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Freedom of Information Case List

September 1982 Edition

This Edition Includes New FOIA "Short Guide"

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FREEDOM OF INFORMATION CASE LIST

SEPTEMBER 1982 EDITION

The Freedom of Information Case List is an alphabetical compilation of judicial decisions, both published and unpublished, addressing access issues under the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, as amended, and the Privacy Act of 1974 ("PA"), 5 U.S.C. §552a. Each case in the main case list is categorized according to certain subject matter topics and is assigned a number, from 1 to 1529, by which it is indexed under each such topic in the Topical Index at the end of this volume. Cases can therefore be located both by case name and by particular topic of interest.

This edition supersedes that of September 1981. It includes decisions reported through the "advance sheets" of the week of August 30, 1982, and all slip opinions received by the Office of Information and Privacy by September 1, 1982. In this edition, efforts have been made to provide the complete history of each case, including all official and unofficial citations. Often, where no official citation exists, a decision is reported in Prentice-Hall's Government Disclosure Service ("GDS") and that citation is given in this edition. (It should be noted that, as this publication is designed to be a reference guide only, the citations given are not necessarily in official "Blue Book" form.) Only decisions of precedential significance are included, and it must be remembered that all decisions are listed under the plaintiff's name as originally filed.

In this edition, the main case list has been restricted to FOIA cases and to those Privacy Act cases addressing comparable access issues. Separate lists of cases arising under the Government in the Sunshine Act, 5 U.S.C. §552b, and the Federal Advisory Committee Act, 5 U.S.C. App. I., appear after the main case list. There is also a separate list of all Privacy Act cases (involving access and non-access issues alike), which contains Privacy Act subject matter topics. Additionally, a separate list of all "reverse" FOIA cases and an "overview" list of selected FOIA decisions are provided.

Also contained in this edition are the full texts of each of these federal access statutes, a revised list of related law review articles, and a completely new "Short Guide to the Freedom of Information Act" prepared by the staff of the Office of Information and Privacy.

This edition of the Freedom of Information Case List was prepared by Yvette P. Rhodes with the able assistance of several other members of the Office of Information and Privacy staff, most notably Bertina G. Adams, Nancy T. Bruns, Mary Ann Childs, Theresa W. Hajost, Raymond J. McKenna, Judy L. Powell, Rochelle R. Winborne and Charlene K. Wright. Additional copies are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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(108)	(b)(7)(A), adequacy of agency affidavit, in camera inspection	Barney v. IRS, No. 78-5100 (D.S.D. 1979), aff'd, 618 F.2d 1268 (8th Cir. 1980).
(109)	(b)(3), 26 U.S.C. §6103, (b)(7)	Barney v. Kurtz, No. 77-5031 (D.S.D. 1978).
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(114)	(b)(6), (b)(7)(C)	Bast v. DOJ, No. 77-1107 (D.D.C. 1978).
(115)	Fees	Bast v. DOJ, No. 76-0797 (D.D.C. 1979).

(116)	(b)(5), (b)(6), (b)(7), (b)(7)(C), law enforcement purpose, waiver of exemption	Bast v. DOJ, No. 78-1058 (D.D.C. 1979), aff'd in part, rev'd in part, 665 F.2d 1251 (D.C. Cir. 1981), rehearing denied, Nos. 79-2039, 80-1050 (D.C. Cir. 1981).
(117)	Adequacy of agency affidavit, discovery/FOIA interface	Bast v. DOJ, 2 GDS ¶81,265 (D.D.C. 1981).
(118)	(b)(5), (b)(7)(C), attorney work-product privilege, executive privilege	Bast v. DOJ, 2 GDS ¶82,101 (D.D.C. 1981), subsequent decision, 3 GDS ¶82,250 (D.D.C. 1982).
(119)	(b)(6), (b)(7)(C)	Bast v. Department of State, No. 76-1894 (D.D.C. 1978).
(120)	(b)(5), (b)(6), (b)(7), (b)(7)(C), in camera inspection, law enforcement purpose, Vaughn index, waiver of exemption	Bast v. FBI, No. 78-1059 (D.D.C. 1979), reconsideration denied, 1 GDS ¶79,233 (D.D.C. 1979), aff'd in part, rev'd in part, 665 F.2d 1251 (D.C. Cir. 1981), rehearing denied, Nos. 79-2039, 80-1050 (D.C. Cir. 1981).
(121)	Dismissal for failure to prosecute	Bast v. FBI, 2 GDS ¶82,180 (D.D.C. 1981).
(122)	(b)(1), (b)(7), (b)(7)(C), (b)(7)(D), law enforcement purpose	Bast v. FBI, 2 GDS ¶81,270 (D.D.C. 1981).
(123)	(b)(7)(D), assurance of confidentiality	Bast v. IRS, 42 A.F.T.R. 2d 5078 (D.D.C. 1978).
(124)	Injunction of agency proceeding pending resolution of FOIA claim	Bayview Associates v. NLRB, 75 Lab. Cas. (CCH) ¶10,524 (D.D.C. 1974).
(125)	Duty to search, exhaustion of administrative remedies	Bazelow v. Civil Service Comm'n, 1 GDS ¶79,134 (S.D.N.Y. 1979).
(126)	(b)(4), (b)(5), (b)(6), in camera inspection, incorporation by reference, similar files	BDM Corp. v. SBA, 1 GDS ¶81,044 (D.D.C. 1980), reconsideration denied (D.D.C. 1980), on motion for summary judgment, 2 GDS ¶81,189 (D.D.C. 1981).
(127)	(b)(5), executive privilege	BDM Corp. v. SBA, 2 GDS ¶81,217 (D.D.C. 1981).
(128)	Adequacy of request, duty to search	Beacon Journal Publishing Co. v. Attorney General of the United States, No. C-77-235-A (N.D. Ohio 1978).
(129)	Exhaustion of administrative remedies	Beckwith v. DOJ, No. GC-77-27-K (N.D. Miss. 1978).
(130)	Duty to search	Belfiore v. Department of the Army, No. 77-1176-MA (D. Mass. 1978).
(131)	(b)(3), 26 U.S.C. §6103	Belisle v. Commissioner, 462 F. Supp. 460 (W.D. Okla. 1978).

(132)	(b)(1), in camera inspection, equitable discretion	Bell v. United States, 71 F.R.D. 349 (D.N.H. 1976), aff'd, 563 F.2d 484 (1st Cir. 1977).
(133)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim	Bellingham Frozen Foods v. Henderson, 91 L.R.R.M. 2761 (W.D. Wash. 1976).
(134)	(b)(1), (b)(3), 50 U.S.C. §403	Bennett v. DOD, 419 F. Supp. 663 (S.D.N.Y. 1976).
(135)	(b)(4), (b)(5)	Benson v. GSA, 289 F. Supp. 590 (W.D. Wash. 1968), aff'd, 415 F.2d 878 (9th Cir. 1969).
(136)	(b)(7)	Benson v. United States, 309 F. Supp. 1144 (D. Neb. 1970).
(137)	Adequacy of search	Benvenuti v. DOJ, 2 GDS ¶81,300 (D.D.C. 1981).
(138)	(b)(3), 26 U.S.C. §6103(e)(6), (b)(7)(A), (b)(7)(C)	Bernal v. IRS, 1 GDS ¶80,140 (N.D. Cal. 1980).
(139)	(b)(2)	Bernknopf v. Califano, 466 F. Supp. 319 (W.D. Pa. 1979).
(140)	Reverse FOIA, case or controversy, equitable discretion	Bethlehem Steel Corp. v. Kreps, No. Y-78-837 (D. Md. 1980).
(141)	(b)(1), (b)(7)(C), (b)(7)(D), attorney's fees, duty to search	Biberman v. FBI, 496 F. Supp. 263 (S.D.N.Y. 1980), subsequent decision, 528 F. Supp. 1140 (S.D.N.Y. 1982).
(142)	Privacy Act access, (b)(7), adequacy of agency affidavit, law enforcement purpose	Binion v. DOJ, 2 GDS ¶82,148 (D. Nev. 1981).
(143)	Attorney's fees	Bird v. Department of the Treasury, 2 GDS ¶81,215 (D.D.C. 1981).
(144)	(b)(6), (b)(7)(D), duty to create a record	Bishop v. Civiletti, 2 GDS ¶81,343 (D.D.C. 1981), on motion for summary judgment sub nom. Bishop v. Bell, 2 GDS ¶81,344 (D.D.C. 1981).
(145)	(b)(7), executive privilege, in camera inspection, investigatory records, law enforcement purpose	Black v. Sheraton Corp., 371 F. Supp. 97 (D.D.C. 1974), rev'd, 564 F.2d 531 (D.C. Cir. 1977).
(146)	(b)(1)	Blaisdell v. DOD, No. CV-77-83-DWW (C.D. Cal. 1977).

(147)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), duty to search, duty to create a record	Blanchard v. United States Secret Service, 2 GDS ¶82,093 (D.D.C. 1981).
(148)	(b)(5), agency, agency records, attorney's fees	Blue v. Bureau of Prisons, No. C-75-2092A (N.D. Ga. 1976), rev'd, 570 F.2d 529 (5th Cir. 1978).
(149)	(b)(3), 15 U.S.C. §57b-2(f), Vaughn index	Board of Education of Jefferson County v. FTC, 2 GDS ¶81,170 (D.D.C. 1980).
(150)	(b)(4), (b)(6), similar files	Board of Trade of the City of Chicago v. Commodity Futures Trading Comm'n, No. 77-0560 (D.D.C. 1977), aff'd in part, rev'd in part, 627 F.2d 392 (D.C. Cir. 1980).
(151)	(b)(7)(A)	Board of Trustees v. Norton, No. CV-80-4041 (S.D. Ill. 1980).
(152)	(b)(5), discovery in FOIA litigation	Bodner v. FTC, 1974-2 Trade Cas. (CCH) ¶75,329 (D.D.C. 1974), Vaughn index required, 1975-2 Trade Cas. (CCH) ¶60,118 (D.D.C. 1975), subsequent decision, No. 74-1189 (D.D.C. 1975).
(153)	(b)(7)(C), (b)(7)(D), assurance of confidentiality	Bollen v. Civiletti, 2 GDS ¶82,121 (W.D. Pa. 1981).
(154)	Duty to create a record	Borom v. Crawford, No. 77-C-4500 (N.D. Ill. 1978), aff'd, 651 F.2d 500 (7th Cir. 1981).
(155)	(a)(2)	Borsody & Green v. Rougeau, No. 79-3234 (D.D.C. 1981).
(156)	(b)(7)	Boston University v. NLRB, 95 L.R.R.M. 2447 (D. Mass. 1977).
(157)	Vaughn index	Boult v. DOJ, No. C-76-1217A (N.D. Ga. 1976).
(158)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D)	Boyce v. Deputy Director, No. 78-084 (D.D.C. 1979).
(159)	(b)(4), attorney's fees, burden of proof	Braintree Electric Light Department v. DOE, 494 F. Supp. 287 (D.D.C. 1980).
(160)	(b)(5)	Branch v. Phillips Petroleum Co., 638 F.2d 873 (5th Cir. 1981).
(161)	(b)(3), 44 U.S.C §2101, §2107, §2108	Brandon v. Sampson, No. 73-2232 (D.D.C. 1974), rev'd & remanded sub nom. Brandon v. Eckerd, 569 F.2d 683 (D.C. Cir. 1977).
(162)	(b)(3), 15 U.S.C. §57b-2(f), (b)(7)(A)	Braswell, Inc. v. FTC, 2 GDS ¶81,092 (N.D. Ga. 1980).

(163)	Exhaustion of administrative remedies, failure to meet time limits	Brawer v. FBI, No. 75-1700 (D.D.C. 1977).
(164)	(b)(1), E.O. 12065	Brein v. DOJ, 3 GDS ¶82,380 (D. Hawaii 1982).
(165)	(b)(5), (b)(7)	Brennan v. Tennessee Technological University, 76 Lab. Cas. (CCH) ¶33,237 (M.D. Tenn. 1975).
(166)	(b)(3), 26 U.S.C. §6103, §6104	Breuhaus v. IRS, No. 78-240 (W.D.N.Y. 1979), aff'd, 609 F.2d 80 (2d Cir. 1979).
(167)	(b)(3), 26 U.S.C. §6103	Brink v. IRS, 1 GDS ¶80,195 (D.D.C. 1980).
(168)	(b)(7), (b)(7)(A), investigatory records, law enforcement purpose	Brinkerhopp v. Montoya, 49 A.F.T.R. 2d 82-839, 3 GDS ¶82,421 (N.D. Tex. 1981).
(169)	(a)(6)(A), (b)(1), (b)(5), attorney-client privilege, exhaustion of administrative remedies, reasonably segregable, waiver of exemption (administrative release)	Brinton v. Department of State, 476 F. Supp. 535 (D.D.C. 1979), aff'd, 636 F.2d 600 (D.C. Cir. 1980), cert. denied, 452 U.S. 905 (1981).
(170)	(b)(4), (b)(5), (b)(7)	Bristol-Meyers Co. v. FTC, 284 F. Supp. 745 (D.D.C. 1968), aff'd in part, rev'd in part & remanded, 424 F.2d 935 (D.C. Cir. 1970), cert. denied, 400 U.S. 824 (1970).
(171)	(a)(2)(A), (a)(2)(B), (b)(5), (b)(7)(A)	Bristol-Meyers Co. v. FTC, 598 F.2d 18 (D.C. Cir. 1978).
(172)	Vaughn index	British Airports Authority v. DOT, 2 GDS ¶82,099 (D.D.C. 1981).
(173)	(b)(3), 49 U.S.C. §1504, (b)(5), executive privilege, agency records (personal records not agency records), referral of request to another agency, Vaughn index	British Airports Authority v. CAB, No. 81-1072 (D.D.C 1981), subsequent decision, 531 F. Supp. 408 (D.D.C. 1982).
(174)	(b)(1), (b)(3), 49 U.S.C. §1504, (b)(4), (b)(5), belated classification, Vaughn index	British Airports Authority v. Department of State, 530 F. Supp. 46 (D.D.C. 1981), on motion to alter or amend, No. 81-1319 (D.D.C. 1981).
(175)	(b)(7)(A), fees, Vaughn index	Britt v. IRS, 42 A.F.T.R. 2d 78-6198 (D.D.C. 1978), supplemental decision (D.D.C. 1979), additional Vaughn index ordered (D.D.C. 1981).

(176)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 12 U.S.C. §1437, nexus test	Broadview Savings & Loan Co. v. Federal Home Loan Bank Board, No. C-77-1195 (N.D. Ohio 1979) (order of remand).
(177)	(b)(5)	Brock v. Campbell, No. H-79-237 (S.D. Tex. 1979).
(178)	(b)(4), (b)(5)	Brockway v. Department of the Air Force, 370 F. Supp. 738 (N.D. Iowa 1974), rev'd, 518 F.2d 1184 (8th Cir. 1975).
(179)	Exhaustion of administrative remedies	Brooks v. Department of the Treasury, No. 78-825-C (E.D. Mo. 1978).
(180)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, nexus test	Brookwood Medical Center, Inc. v. Califano, 470 F. Supp. 1247 (N.D. Ga. 1979), aff'd, 614 F.2d 1295 (5th Cir. 1980).
(181)	(b)(4), (b)(5)	Brown v. DOE, 1 GDS ¶80,035 (E.D. Wash. 1980).
(182)	(b)(6), (b)(7)(C), adequacy of agency affidavit, discovery/ FOIA interface, in camera inspection, waiver of exemption, Vaughn index	Brown v. FBI, 658 F.2d 71 (2d Cir. 1981).
(183)	(b)(5), publication	Brown v. FTC, 2 GDS ¶82,026 (D.D.C. 1981).
(184)	Adequacy of request	Brunwasser v. Jacob, 453 F. Supp. 567 (W.D. Pa. 1978).
(185)	(b)(5), adequacy of agency affidavit, in camera inspection, Vaughn index	Brush Wellman, Inc. v. Department of Labor, 500 F. Supp. 519 (N.D. Ohio 1980).
(186)	(b)(7)(C), (b)(7)(D), (b)(7)(E)	Bryan v. DOJ, No. 77-1814 (D.D.C. 1978).
(187)	(b)(7)(A)	Bryant v. IRS, No. 76-31-SD (D. Me. 1976).
(188)	Transfer of FOIA case	Bubar v. DOJ, No. 79-0141 (D.D.C. 1979).
(189)	(b)(1), E.O. 12065, (b)(2), (b)(3), Fed.R.Crim.Pro. 6(e), 28 U.S.C. §534, (b)(5), (b)(7)(C), (b)(7)(D), Vaughn index	Bubar v. DOJ, 2 GDS ¶81,104 (D.D.C. 1981), partial summary judgment granted, 3 GDS ¶82,450 (D.D.C. 1982), summary judgment granted, No. 80-2907 (D.D.C. 1982) (two opinions).
(190)	(b)(5), (b)(7)(A), attorney work-product privilege	Buffalo Newspaper Guild v. NLRB, 2 GDS ¶81,131 (W.D.N.Y. 1980).

(191)	(b)(1), (b)(3), 50 U.S.C. §403, Fed.R. Crim.Pro. 6(e), duty to search	Buffone v. CIA, No. 80-2382 (D.D.C. 1981).
(192)	Attorney's fees	Bullard v. Webster, 623 F.2d 1042 (5th Cir. 1980), cert. denied, 451 U.S. 907 (1981).
(193)	(b)(7)(A), (b)(7)(C), (b)(7)(D), proper party defendant	Burch v. Federal Labor Relations Authority, No. C80-1740A (N.D. Ohio 1981), modified (N.D. Ohio 1981).
(194)	Attorney's fees, fees, fee waiver	Burke v. DOJ, 432 F. Supp. 251 (D. Kan. 1976), aff'd, 559 F.2d 1182 (10th Cir. 1977).
(195)	Venue, 28 U.S.C. §1404(a)	Burkhart v. FBI, No. 77-3246 (D. Kan. 1978).
(196)	(a)(4)(B)	Burrell v. Rodgers, 438 F. Supp. 25 (W.D. Okla. 1977).
(197)	Fee waiver	Burriss v. CIA, 524 F. Supp. 448 (M.D. Tenn. 1981).
(198)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Burroughs Corp. v. Brown, 501 F. Supp. 375 (E.D. Va. 1980), rev'd & remanded sub nom. General Motors Corp. v. Marshall, 654 F.2d 294 (4th Cir. 1981).
(199)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Burroughs Corp. v. Schlesinger, 403 F. Supp. 633 (E.D. Va. 1975).
(200)	Fees, fee waiver	Bussey v. Bresson, 2 GDS ¶81,228 (D.D.C. 1981).
(201)	Exhaustion of administrative remedies	Butler v. IRS, No. C-78-1582A (N.D. Ga. 1979).
(202)	(b)(7)(A)	Cain v. FBI, 2 GDS ¶81,220 (D.D.C. 1981).
(203)	(b)(5)	Cairo Chamber of Commerce v. ICC, 2 GDS ¶81,405 (S.D. Ill. 1981).
(204)	(b)(3), 26 U.S.C. §6103, (b)(7)(A)	Cal-Am Corp. v. IRS, 1 GDS ¶80,189 (C.D. Cal. 1980).
(205)	Fee waiver	Campanille v. DOJ, No. 79-142 (D.D.C. 1979).
(206)	(b)(7)(A), in camera inspection, in camera affidavit	Campbell v. HHS, 518 F. Supp. 1114 (D.D.C. 1981), rev'd & remanded, 682 F.2d 256 (D.C. Cir. 1982).
(207)	(b)(2), (b)(5), (b)(6), attorney's fees	Campbell v. Civil Service Comm'n, No. 75-M-494 (D. Colo. 1975), aff'd, 539 F.2d 58 (10th Cir. 1976).

(208)	(b)(5), (b)(7)(C), (b)(7)(D), attorney-client privilege, attorney work-product privilege, executive privilege, inter- or intra-agency memoranda, proper party defendant	Canadian Javelin v. SEC, 501 F. Supp. 898 (D.D.C. 1980).
(209)	Discovery/FOIA interface	Canal Authority of State of Florida v. Froehlke, 81 F.R.D. 609 (M.D. Fla. 1979).
(210)	(b)(7)(A), FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim	Capital Cities Communication, Inc. v. NLRB, 409 F. Supp. 971 (N.D. Cal. 1976).
(211)	(b)(7)(A), (b)(7)(C)	Capital Times Co. v. NLRB, 483 F. Supp. 247 (E.D. Wis. 1980).
(212)	(a)(2)(C), (b)(2), (b)(7), equitable discretion	Caplan v. Bureau of Alcohol, Tobacco & Firearms, 445 F. Supp. 699 (S.D.N.Y. 1978), aff'd on other grounds, 587 F.2d 544 (2d Cir. 1978).
(213)	Waiver of exemption (failure to assert in litigation)	Carabetta Enterprises, Inc. v. Harris, 86 Lab. Cas. (CCH) ¶33,786 (D.D.C. 1979).
(214)	(b)(1), E.O. 12065, (b)(4), (b)(5), promise of confidentiality	Carlisle Tire & Rubber Co. v. United States Customs Service, 1 GDS ¶79,162 (D.D.C. 1979), aff'd in part, rev'd in part, 663 F.2d 210 (D.C. Cir. 1980).
(215)	(b)(1), (b)(2), (b)(3), (b)(7)(C), (b)(7)(D), Fed.R. Crim.Pro. 6(e)	Carroll v. DOJ, No. 76-2038 (D.D.C. 1978).
(216)	Exhaustion of administrative remedies, fees, failure to meet time limits	Carroll v. DOJ, No. 76-2833 (D.D.C. 1977).
(217)	Attorney's fees	Carson v. DOJ, No. B-79-93 (D. Conn. 1979).
(218)	Dismissal for failure to prosecute	Carson v. DOJ, 1 GDS ¶80,276 (D.D.C. 1980).
(219)	(b)(7)(A), (b)(7)(C), agency records (judicial branch records not agency records), improper withholding, mootness, waiver of exemption (administrative release), waiver of exemption (failure to assert in litigation)	Carson v. DOJ, No. 79-0140 (D.D.C. 1979), aff'd in part, rev'd in part & remanded, 631 F.2d 1008 (D.C. Cir. 1980), on remand, 2 GDS ¶82,011 (D.D.C. 1981).

(220)	In camera inspection	Carson v. United States Marshals Service, 1 GDS ¶80,275 (D.D.C. 1980).
(221)	(a)(1)(D)	Carter v. Blum, 493 F. Supp. 368 (S.D.N.Y. 1980).
(222)	Privacy Act access	Carter v. Orr, No. CIV-81-155-E (W.D. Okla. 1981).
(223)	(b)(5), discovery/ FOIA interface	Caspe v. United States, 1 GDS ¶80,048 (S.D. Iowa 1980).
(224)	Privacy Act access	Castle v. Civil Service Comm'n, No. 77-1544 (D.D.C. 1979).
(225)	Attorney's fees, exhaustion of administrative remedies	Cazalas v. DOJ, No. 79-2088 (E.D. La. 1980), rev'd in part & remanded, 660 F.2d 612 (5th Cir. 1981), on remand, 2 GDS ¶82,092 (E.D. La. 1981).
(226)	Reverse FOIA, (b)(3), 18 U.S.C. §1905,	Cedars Nursing & Convalescent Center, Inc. v. Aetna Life Ins. & Casualty Co., 472 F. Supp. 296 (E.D. Pa. 1979).
(227)	Privacy Act access, reverse FOIA	Cell Associates, Inc. v. National Institutes of Health, 579 F.2d 1155 (9th Cir. 1978).
(228)	(b)(1), E.O. 12065, (b)(7)(C), (b)(7)(D)	Cellini v. FBI, No. 77-1933 (D.D.C. 1979).
(229)	(b)(6)	Celmins v. Department of the Treasury, 457 F. Supp. 13 (D.D.C. 1977).
(230)	(b)(5)	Center for Auto Safety v. Bowers, 1 GDS ¶80,217 (D.D.C. 1980).
(231)	(b)(4), proper party defendant	Center for Development Policy v. Export-Import Bank of the United States, 2 GDS ¶82,201 (D.D.C. 1982).
(232)	(b)(7)	Center for National Policy Review on Race & Urban Issues v. Richardson, No. 71-2177 (D.D.C. 1972), rev'd sub nom. Center for National Policy Review on Race & Urban Issues v. Weinberger, 502 F.2d 370 (D.C. Cir. 1974), dismissed on remand (D.D.C. 1974), aff'd, 534 F.2d 351 (D.C. Cir. 1976).
(233)	(b)(1), discovery in FOIA litigation, exceptional circumstances/due diligence, failure to meet time limits, fee waiver, "mosaic," prompt disclosure	Center for National Security Studies v. CIA, No. 80-1235 (D.D.C. 1981), on motion for summary judgment (D.D.C. 1981), subsequent decision, 3 GDS ¶82,256 (D.D.C. 1982).
(234)	(b)(1), in camera inspection, belated classification	Cervase v. Department of State, No. 76-2338 (D.N.J. 1977), aff'd, No. 77-1627 (3d Cir. 1978).

(235)	(b)(1), (b)(2), (b)(3), 50 U.S.C. §403, (b)(6), duty to search, in camera inspection	Cerveny v. CIA, 445 F. Supp. 772 (D. Colo. 1978).
(236)	(b)(7)(A)	Cessna Aircraft Co. v. NLRB, 405 F. Supp. 1042 (D. Kan. 1975), rev'd, 542 F.2d 834 (10th Cir. 1976).
(237)	Vaughn index	Chamber of Commerce v. OMB, 1 GDS ¶80,240 (D.D.C. 1980), dismissed, No. 80-1384 (D.D.C. 1981).
(238)	(b)(3), 42 U.S.C. §2000, FOIA as a discovery tool	Chamber of Commerce of the United States v. Legal Aid Society, 423 U.S. 1309 (1975).
(239)	(b)(3), 26 U.S.C. §6103, §7213, (b)(5), (b)(6), attorney's fees	Chamberlain v. Alexander, 419 F. Supp. 235 (S.D. Ala. 1976), modified sub nom. Chamberlain v. Kurtz, 589 F.2d 827 (5th Cir. 1979), cert. denied, 444 U.S. 842 (1979).
(240)	(b)(6)	Chappell v. Hodgson, No. 15,480 (D. Conn. 1973).
(241)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), discretionary release	Charles River Park "A," Inc. v. HUD, 360 F. Supp. 212 (D.D.C. 1973), rev'd & remanded, 519 F.2d 935 (D.C. Cir. (1975).
(242)	(b)(3), 42 U.S.C. §2000(e), (b)(7)(A)	Charlotte-Mecklenburg Hospital Authority v. Perry, 571 F.2d 195 (4th Cir. 1978).
(243)	(b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim	Chassen Bakers, Inc. v. NLRB, 91 L.R.R.M. 2345 (M.D. Pa. 1975).
(244)	(b)(7)	Chavkin v. Alexander, 401 F. Supp. 817 (S.D.N.Y. 1975).
(245)	(b)(5), inter- or intra-agency memoranda, reasonably segregable, waiver of exemption (administrative release)	Chemical Manufacturers Ass'n v. OSHA, No. 80-605 (D.D.C. 1981).
(246)	(b)(3), 26 U.S.C. §6103	Chermack v. IRS, 2 GDS ¶81,171 (N.D. Tex. 1981).
(247)	Reverse FOIA, discretionary release	Chevron Chemical Co. v. Costle, 443 F. Supp. 1024 (N.D. Cal. 1978).
(248)	(b)(5), (b)(7)(A), attorney work-product privilege, mootness, waiver of exemption	Chilivis v. SEC, 1 GDS ¶79,208 (N.D. Ga. 1979), aff'd, 673 F.2d 1205 (11th Cir. 1982).
(249)	(b)(5)	Chocolate Manufacturers Ass'n v. FTC, No. 78-1240 (D.D.C. 1978).

(250)	(b)(6)	Christy v. United States, 68 F.R.D. 375 (N.D. Tex. 1975).
(251)	Attorney's fees	Chrysler Corp. v. Department of the Treasury, 1 GDS ¶80,110 (D.D.C. 1980).
(252)	Reverse FOIA	Chrysler Corp. v. Marshall, No. 74-850C (E.D. Mo. 1978).
(253)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Chrysler Corp. v. NLRB, 92 L.R.R.M. 3191 (E.D. Mich. 1976).
(254)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 44 U.S.C. §3504, (b)(4), discretionary release, nexus test	Chrysler Corp. v. Schlesinger, 412 F. Supp. 171 (D. Del. 1976), rev'd & remanded, 565 F.2d 1172 (3d Cir. 1977), rev'd sub nom. Chrysler Corp. v. Brown, 441 U.S. 281 (1979), on remand, 611 F.2d 439 (3d Cir. 1979).
(255)	(b)(2), (b)(3), 26 U.S.C. §6103, (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), Vaughn index	Church of Scientology v. Bell, No. 76-1006 (D.D.C. 1977), summary judgment granted (D.D.C. 1980), remanded mem. sub nom. Church of Scientology v. Smith, 645 F.2d 1213 (D.C. Cir. 1981), on remand, 2 GDS ¶82,152 (D.D.C. 1982).
(256)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), (b)(7), adequacy of agency affidavit, duty to search, investigatory records	Church of Scientology v. Bush, No. 75-1048 (D.D.C. 1977), remanded, No. 78-1832 (D.C. Cir. 1978), on remand sub nom. Church of Scientology v. Turner, 1 GDS ¶79,170 (D.D.C. 1979), aff'd, 662 F.2d 784 (D.C. Cir. 1980) (per curiam).
(257)	(b)(5), (b)(6), (b)(7)(C), attorney-client privilege, attorney's fees, attorney work-product privilege, res judicata	Church of Scientology v. Califano, 1 GDS ¶79,172 (D.D.C. 1979).
(258)	(b)(2), (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), law enforcement purpose	Church of Scientology v. DEA, 2 GDS ¶82,045 (W.D. Tex. 1981).
(259)	(a)(6)(B), (b)(1), (b)(7)(C), agency records	Church of Scientology v. Department of the Air Force, No. 76-1008 (D.D.C. 1978).
(260)	(b)(1), (b)(6), (b)(7), adequacy of agency affidavit, burden of proof, in camera inspection, reasonably segregable	Church of Scientology v. Department of the Army, 607 F.2d 1282 (9th Cir. 1979), rehearing denied, 611 F.2d 738 (9th Cir. 1980).
(261)	(b)(1), (b)(6), (b)(7)(C), (b)(7)(D), in camera inspection	Church of Scientology v. Department of Defense, No. 75-4072F (C.D. Cal. 1977).
(262)	(b)(1), (b)(2), (b)(5), (b)(7)(A), (b)(7)(D), (b)(7)(F)	Church of Scientology v. DOJ, 410 F. Supp. 1297 (C.D. Cal. 1976), aff'd, 612 F.2d 417 (9th Cir. 1979).

(263)	(b)(1), (b)(3), 8 U.S.C. §1202(b), (b)(6), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit, discovery in FOIA litigation, duty to search, reasonably segregable, similar files, Vaughn index	Church of Scientology v. Department of State, 493 F. Supp. 418 (D.D.C. 1980), supplemental decision, 1 GDS ¶80,262 (D.D.C. 1980).
(264)	Agency records	Church of Scientology v. ERDA, No. 76-0011 (C.D. Cal. 1976).
(265)	(b)(1), (b)(7)(A), (b)(7)(C), (b)(7)(D), in camera inspection	Church of Scientology v. FBI, 2 GDS ¶81,154 (D. Nev. 1979), reconsideration granted, 2 GDS ¶81,155 (D. Nev. 1980).
(266)	(b)(1), (b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit, de novo review, in camera inspection	Church of Scientology v. FBI, 2 GDS ¶81,124 (D.D.C. 1980).
(267)	Transfer of FOIA case	Church of Scientology v. FBI, No. 79-Civ-3620-CSH (S.D.N.Y. 1980).
(268)	Vaughn index	Church of Scientology v. FDA, 2 GDS ¶82,005 (D.D.C. 1981), on motion for summary judgment, 3 GDS ¶82,403 (D.D.C. 1982).
(269)	(b)(5), (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), attorney work-product privilge, law enforcement purpose	Church of Scientology v. Gray, 2 GDS ¶82,110 (D.D.C. 1980), aff'd, No. 80-1616 (D.C. Cir. 1981).
(270)	Attorney's fees	Church of Scientology v. Harris, No. 76-1005 (D.D.C. 1980), rev'd & remanded, 653 F.2d 584 (D.C. Cir. 1981), dismissed on remand sub nom. Church of Scientology v. Schweiker, No. 76-1005 (D.D.C. 1981).
(271)	(b)(5), agency records	Church of Scientology v. Simon, 433 F. Supp. 1107 (D.D.C. 1977).
(272)	(b)(3), 39 U.S.C. §410	Church of Scientology v. United States Postal Service, No. 75-2004-R (C.D. Cal. 1976), rev'd & remanded, 593 F.2d 902 (9th Cir. 1979), on remand (C.D. Cal. 1980), rev'd, 633 F.2d 1327 (9th Cir. 1980).
(273)	Agency, agency records	Ciba-Geigy Corp. v. Mathews, 428 F. Supp. 523 (S.D.N.Y. 1977).
(274)	Agency	Ciccone v. Waterfront Comm'n, 438 F. Supp. 55 (S.D.N.Y. 1977).
(275)	(b)(5), (b)(7)(C)	Cirami v. Levi, No. 76-C-621 (E.D.N.Y. 1980).

(276)	Adequacy of agency affidavit, duty to search	Citizens Against UFO Secrecy v. Defense Intelligence Agency, No. 80-1563 (D.D.C. 1981).
(277)	(b)(3), 50 U.S.C. §402, adequacy of agency affidavit, in camera affidavit, in camera inspection	Citizens Against UFO Secrecy v. NSA, 2 GDS ¶82,243 (D.D.C. 1980), aff'd, No. 81-1042 (D.C. Cir. 1981), cert. denied, 102 S.Ct. 1635 (1982).
(278)	In camera inspection, Vaughn index	Citizens Bureau of Investigation v. FBI, No. C78-80 (N.D. Ohio 1979).
(279)	(b)(3), 15 U.S.C. §176, (b)(4)	Citizens for a Better Environment v. United States Department of Commerce, 410 F. Supp. 1248 (N.D. Ill. 1976).
(280)	(a)(1), (a)(2), (b)(2), (b)(5)	City of Concord v. Ambrose, 333 F. Supp. 958 (N.D. Cal. 1971).
(281)	(b)(7)	City of Gadsden v. DOJ, No. 80-HM-0782-M (N.D. Ala. 1981).
(282)	(a)(1)	City of Santa Clara v. Kleppe, 418 F. Supp. 1243 (N.D. Cal. 1976), on motion to reconsider, 428 F. Supp. 315 (N.D. Cal. 1976), aff'd in part, rev'd in part & remanded sub nom. City of Santa Clara v. Andrus, 572 F.2d 660 (9th Cir. 1978), cert. denied, 439 U.S. 859 (1980).
(283)	Attorney's fees, pro se litigant	Clarkson v. IRS, 678 F.2d 1368 (11th Cir. 1982).
(284)	Exceptional circumstances/due diligence, failure to meet time limits	Cleaver v. Kelley, 415 F. Supp. 174 (D.D.C. 1976), rev'd & remanded, No. 76-1831 (D.C. Cir. 1976) (per curiam), on remand, 427 F. Supp. 80 (D.D.C. 1976).
(285)	(b)(7)	Clement Brothers Co. v. NLRB, 282 F. Supp. 540 (N.D. Ga. 1968), aff'd, 407 F.2d 1027 (5th Cir. 1969).
(286)	Reverse FOIA, (b)(7)(A)	Clements Wire & Manufacturing Co. v. NLRB, 589 F.2d 894 (5th Cir. 1979).
(287)	Attorney's fees	Click v. Department of the Air Force, No. CA-1-81-73 (N.D. Tex. 1982).
(288)	(b)(3), 26 U.S.C. §6103, (b)(5), adequacy of agency affidavit, attorney's fees, discovery in FOIA litigation, duty to search, incorporation by reference	Cliff v. IRS, 496 F. Supp. 568 (S.D. N.Y. 1980), supplemental decision, 529 F. Supp. 11 (S.D.N.Y. 1981).
(289)	(b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool	Climax Molybdenum Co. v. NLRB, 407 F. Supp. 208 (D. Colo. 1975), aff'd, 539 F.2d 63 (10th Cir. 1976).

(290)	(b)(5), adequacy of request, attorney-client privilege, executive privilege, discovery in FOIA litigation, duty to search	Clinchfield Coal Corp. v. Marshall, 2 GDS ¶81,018 (D.D.C. 1980), on motion for summary judgment sub nom. Clinchfield Coal Corp. v. Donovan, 3 GDS ¶82,251 (D.D.C. 1982).
(291)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), de novo review	CNA Financial Corp. v. Donovan, 2 GDS ¶82,107 (D.D.C. 1981).
(292)	(b)(5), in camera inspection	CNA Financial Corp. v. Marshall, 2 GDS ¶81,149 (D.D.C. 1981).
(293)	Stay pending appeal	Coastal States Gas Corp. v. DOE, 609 F.2d 736 (5th Cir. 1979).
(294)	(b)(5), (b)(7)(A), adequacy of agency affidavit, attorney-client privilege, attorney work-product privilege, burden of proof, executive privilege, final agency decision, Vaughn index	Coastal States Gas Corp. v. DOE, No. 76-1173 (D.D.C. 1979), aff'd, 617 F.2d 854 (D.C. Cir. 1980).
(295)	Duty to search, attorney-client privilege, attorney work-product privilege, executive privilege, burden of proof, FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim, stay pending appeal, Vaughn index, waiver of exemption (failure to assert in litigation)	Coastal States Gas Corp. v. DOE, 495 F. Supp. 1172 (D. Del. 1980), rev'd & remanded, 644 F.2d 969 (3d Cir. 1981).
(296)	Attorney's fees	Cofield v. City of Atlanta, 648 F.2d 986 (5th Cir. 1981).
(297)	(b)(4), (b)(5), (b)(7)	Cogswell v. FDA, No. 70-519-ACW (N.D. Cal. 1970).
(298)	(b)(1)	Colby v. Halperin, 656 F.2d 70 (4th Cir. 1981).
(299)	(b)(7)	Collins v. Federal Highway Administration, No. 6486 (E.D. Va. 1968).
(300)	(b)(5), (b)(7)(D)	Colpoys v. OSHA, 3 GDS ¶82,422 (W.D.N.Y. 1980).
(301)	(b)(6)	Columbia Packing Co. v. USDA, 417 F. Supp. 651 (D. Mass. 1976), aff'd, 563 F.2d 495 (1st Cir. 1977).

(302)	(b)(5), adequacy of agency affidavit, in camera inspection	Comey v. Atomic Energy Comm'n, No. 72-C-1744 (N.D. Ill. 1973), aff'd in part, rev'd in part, Nos. 73-1258, 73-1358 (7th Cir. 1973).
(303)	Attorney's fees, fee waiver	Comint Corp. v. DOJ, 1 GDS ¶79,179 (D.D.C. 1979).
(304)	Jurisdiction	Commercial Envelope Manufacturing Co. v. SEC, 450 F.2d 342 (2d Cir. 1971).
(305)	(a)(4)(D), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), burden of proof, venue	Committee on Masonic Homes v. NLRB, 414 F. Supp. 426 (E.D. Pa. 1976), vacated & remanded for clarification, 556 F.2d 214 (3d Cir. 1977), on remand, No. 76-851 (E.D. Pa. 1978).
(306)	(b)(7)	Committee to Investigate Assassinations, Inc. v. DOJ, No. 70-3651 (D.C. Cir. 1973).
(307)	(b)(3), 18 U.S.C. §1905, (b)(4), (b)(5)	Common Cause v. Department of the Air Force, 1 GDS ¶80,162 (D.D.C. 1980), vacated & dismissed in part, Nos. 80-2046, 80-2056 (D.C. Cir. 1981).
(308)	(b)(5), attorney-client privilege, executive privilege, incorporation by reference, fee waiver	Common Cause v. IRS, 1 GDS ¶79,188 (D.D.C. 1979), aff'd, 646 F.2d 656 (D.C. Cir. 1981).
(309)	(b)(7)(C)	Common Cause v. Ruff, 467 F. Supp. 941 (D.D.C. 1979), rev'd, 628 F.2d 179 (D.C. Cir. 1980), dismissed by stipulation on remand, No. 77-297 (D.D.C. 1980).
(310)	Attorney's fees, mootness, exceptional circumstances/due diligence	Communist Party of the United States v. DOJ, No. 75-1770 (D.D.C. 1976), remanded, No. 76-1746 (D.C. Cir. 1977).
(311)	(b)(4), burden of proof, promise of confidentiality	Comstock International v. Export-Import Bank of the United States, 464 F. Supp. 804 (D.D.C. 1979).
(312)	(b)(6), (b)(7), (b)(7)(C)	Congressional News Syndicate v. DOJ, 438 F. Supp. 538 (D.D.C. 1977).
(313)	(b)(5), (b)(7)(D), attorney work-product privilege, executive privilege, waiver of exemption (failure to assert in litigation)	Conoco, Inc. v. DOJ, 521 F. Supp. 1301 (D. Del. 1981), aff'd in part, rev'd in part & remanded, ___ F.2d ___ (3d Cir. Aug. 25, 1982) (Nos. 81-2897, 81-2963).
(314)	(b)(5), exhaustion of administrative remedies	Conservation Foundation, Inc. v. Department of the Interior, No. 72-718 (D.D.C. 1972).
(315)	(b)(4)	Consumers Union v. Board of Governors of the Federal Reserve System, No. 73-1766 (D.D.C. 1974).

(316)	Attorney's fees	Consumers Union v. Board of Governors of the Federal Reserve System, 410 F. Supp. 63 (D.D.C. 1976).
(317)	Reverse FOIA, case or controversy, venue	Consumers Union v. Consumer Product Safety Comm'n, 400 F. Supp. 848 (D.D.C. 1975), rev'd & remanded, 561 F.2d 349 (D.C. Cir. 1977), vacated & remanded sub nom. GTE Sylvania, Inc. v. Consumers Union, 434 U.S. 1030 (1978), on remand, 590 F.2d 1209 (D.C. Cir. 1978), rev'd, 445 U.S. 375 (1980).
(318)	(b)(8)	Consumers Union v. Heimann, No. 76-1529 (D.D.C. 1977), aff'd, 589 F.2d 531 (D.C. Cir. 1978).
(319)	Declaratory relief	Consumers Union v. ICC, 1975 Fed. Carr. Cas. (CCH) ¶82,528 (D.D.C. 1974).
(320)	(b)(4), (b)(7), declaratory relief	Consumers Union v. Saxbe, 1974 Trade Cas. (CCH) ¶75,057 (D.D.C. 1974).
(321)	(b)(2), (b)(4), (b)(5), mootness	Consumers Union v. VA, 301 F. Supp. 796 (S.D.N.Y. 1969), appeal dismissed as moot, 436 F.2d 1363 (2d Cir. 1971).
(322)	Attorney's fees	Continental Casualty Co. v. Marshall, 520 F. Supp. 56 (N.D. Ill. 1981).
(323)	Reverse FOIA, (b)(4)	Continental Oil Co. v. FPC, 519 F.2d 31 (5th Cir. 1975), cert. denied sub nom. Superior Oil Co. v. FPC, 425 U.S. 971 (1976).
(324)	Reverse FOIA, (b)(4), discretionary release	Continental Stock Transfer & Trust Co. v. SEC, 566 F.2d 373 (2d Cir. 1977).
(325)	(b)(2), (b)(5), (b)(7)	Control Data Corp. v. FTC, No. 4-74-Civ-25 (D. Minn. 1974).
(326)	(b)(5), (b)(7)(A), (b)(7)(D), in camera inspection	Control Data Corp. v. FTC, No. 4-74-Civ-412 (D. Minn. 1975).
(327)	(b)(3), 26 U.S.C. §6103, §6110, (b)(5), reasonably segregable	Conway v. IRS, 447 F. Supp. 1128 (D.D.C. 1978).
(328)	(b)(5), (b)(7)(C)	Cook v. SEC, 2 GDS ¶81,347 (D. Ariz. 1981).
(329)	Agency records (judicial branch records not agency records)	Cook v. Willingham, 400 F.2d 885 (10th Cir. 1968).
(330)	(b)(5)	Cook County Legal Assistance Foundation, Inc. v. OMB, No. 79-C-3292 (N.D. Ill. 1980).
(331)	(b)(7)	Cooney v. Sun Shipbuilding & Drydock Co., 288 F. Supp. 708 (E.D. Pa. 1968).

(332)	Res judicata, venue	Cooper v. Department of the Air Force, 528 F. Supp. 472 (M.D. La. 1981).
(333)	(b)(5), waiver of exemption (administrative release)	Cooper v. Department of the Navy, 396 F. Supp. 1040 (M.D. La. 1975), aff'd in part, rev'd in part, 588 F.2d 274 (5th Cir. 1977), modified in part, 594 F.2d 484 (5th Cir. 1979), cert. denied, 444 U.S. 926 (1979).
(334)	(b)(3), 26 U.S.C. §6103	Cooper v. IRS, 450 F. Supp. 752 (D.D.C. 1977).
(335)	Attorney's fees [non-FOIA case]	Copeland v. Marshall, No. 74-1822 (D.D.C. 1977), rev'd, 594 F.2d 244 (D.C. Cir. 1978), vacated pending rehearing en banc (D.C. Cir. 1979), aff'd, 641 F.2d 880 (D.C. Cir. 1980) (en banc).
(336)	(b)(5), (b)(7), (b)(7)(A), investigatory records	Copus v. Rougeau, 504 F. Supp. 534 (D.D.C. 1980).
(337)	(b)(7), (b)(7)(A), burden of proof, discovery/FOIA interface, investigatory records	Cotton, Day & Doyle v. DOE, 2 GDS ¶81,250 (D.D.C. 1981).
(338)	(b)(4), (b)(5), equitable discretion, inter- or intra-agency memoranda, reasonably segregable	County of Madison v. DOJ, No. 78-3033-S (D. Mass. 1980), aff'd in part, rev'd in part, 641 F.2d 1036 (1st Cir. 1981).
(339)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), assurance of confidentiality, attorney's fees, burden of proof, FOIA as a discovery tool	Cowans v. FBI, No. CV-77-84-WMB (C.D. Cal. 1979).
(340)	(b)(7)	Cowles Communications, Inc. v. DOJ, 325 F. Supp. 726 (N.D. Cal. 1971).
(341)	(a)(2)(C), (b)(1), (b)(2), (b)(7)	Cox v. Levi, 427 F. Supp. 833 (W.D. Mo. 1977), aff'd, 592 F.2d 460 (8th Cir. 1979).
(342)	(a)(2)(C), (b)(2), (b)(7), reasonably segregable	Cox v. DOJ, No. 76-CV-470-W-3 (W.D. Mo. 1977), aff'd in part, rev'd in part & remanded, 576 F.2d 1302 (8th Cir. 1978).
(343)	(b)(2), attorney's fees, pro se litigant	Cox v. DOJ, No. 77-2220 (D.D.C. 1978), aff'd in part, rev'd in part & remanded, 601 F.2d 1 (D.C. Cir. 1979).
(344)	28 U.S.C. §1404(a)	Cox v. DOJ, No. 77-0104-CV-W-1 (W.D. Mo. 1978).

(345)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), failure to meet time limits	Cox v. DOJ, No. 76-CV-777-W-4 (W.D. Mo. 1977).
(346)	Agency records	Cox v. DOJ, No. 77-CV-299-W-3 (W.D. Mo. 1977).
(347)	(b)(1), (b)(2)	Cox v. DOJ, No. 76-CV-604-W-4 (W.D. Mo. 1977).
(348)	(b)(2), (b)(7)(A), (b)(7)(E)	Cox v. DOJ, No. 78-1944 (D.D.C. 1979).
(349)	Attorney's fees, exceptional circumstances/due diligence, pro se litigant, referral of request to another agency	Cox v. DOJ, 3 GDS ¶82,408 (D. Kan. 1982).
(350)	Reverse FOIA, (b)(7)(B)	Crim v. FBI, 2 GDS ¶82,195 (D. Conn. 1982).
(351)	Privacy Act access	Crisafi v. Bell, 1 GDS ¶79,187 (M.D. Pa. 1979).
(352)	(b)(1)	Crisafi v. Webster, 1 GDS ¶80,136 (D.D.C. 1980), aff'd, No. 89-1945 (D.C. Cir. 1981).
(353)	(b)(2)	Crooker v. Bureau of Alcohol, Tobacco & Firearms, No. 79-2560 (D.D.C. 1980), rev'd, 635 F.2d 887 (D.C. Cir. 1980), vacated pending rehearing en banc, No. 80-1278 (D.C. Cir. 1981), aff'd, 670 F.2d 1051 (D.C. Cir. 1981) (en banc).
(354)	(b)(7)(C)	Crooker v. Bureau of Alcohol, Tobacco & Firearms, 1 GDS ¶80,209 (D.D.C. 1980).
(355)	Improper withholding, no record within scope of request	Crooker v. Cusack, 3 GDS ¶82,262 (D.D.C. 1982).
(356)	(b)(7)(D)	Crooker v. Davis, 3 GDS ¶82,280 (D.D.C. 1982).
(357)	Attorney's fees, pro se litigant	Crooker v. DOJ, 632 F.2d 916 (1st Cir. 1980).
(358)	Mootness, referral of request to another agency, res judicata	Crooker v. Department of State, 498 F. Supp. 210 (D.D.C. 1979), aff'd, 628 F.2d 9 (D.C. Cir. 1980).
(359)	Attorney's fees, pro se litigant	Crooker v. Department of the Treasury, No. 80-0081 (D.D.C. 1980), remanded, 663 F.2d 140 (D.C. Cir. 1980), on remand, 2 GDS ¶82,210 (D.D.C. 1982).

(360)	Attorney's fees, pro se litigant	Crooker v. Department of the Treasury, 634 F.2d 48 (2d Cir. 1980).
(361)	Attorney's fees, no record within scope of request	Crooker v. Office of the Deputy Attorney General, 1 GDS ¶81,022 (D.D.C. 1980).
(362)	(b)(5), agency	Crooker v. Office of the Pardon Attorney, 614 F.2d 825 (2d Cir. 1980).
(363)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000e-8e, 44 U.S.C. §3508	Crown Central Petroleum Corp. v. Kleppe, 424 F. Supp. 744 (D. Md. 1976).
(364)	(b)(7)(A)	CTI v. United States Customs Service, No. 81-CIV-0079 (S.D.N.Y. 1982).
(365)	(b)(2), (b)(5), (b)(7), attorney's fees	Cuneo v. Laird, 338 F. Supp. 504 (D.D.C. 1972), aff'd in part, rev'd & remanded in part sub nom. Cuneo v. Schlesinger, 484 F.2d 1086 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974), on remand, No. 67-1826 (D.D.C. 1975), rev'd sub nom. Cuneo v. Rumsfeld, 553 F.2d 1360 (D.C. Cir. 1977), on remand, No. 67-1826 (D.D.C. 1978), aff'd sub nom. Fenster v. Brown, 617 F.2d 740 (D.C. Cir. 1979).
(366)	(b)(7)	Cuneo v. NLRB, No. CIV-1-78-37 (E.D. Tenn. 1978).
(367)	(b)(1), (b)(7)(C), (b)(7)(D), attorney's fees, pro se litigant	Cunningham v. FBI, No. 78-2818 (D.N.J. 1979), on motion for attorney's fees, (D.N.J. 1980), rev'd, 664 F.2d 383 (3d Cir. 1981).
(368)	(b)(6), (b)(7), (b)(7)(C), (b)(7)(F), law enforcement purpose, "Glomar" denial	Cunningham v. FBI, 540 F. Supp. 1 (N.D. Ohio 1981), reconsideration denied (N.D. Ohio 1981).
(369)	Exhaustion of administrative remedies	Cupp v. Levi, 1975-2 U.S.T.C. ¶9670 (W.D. Pa. 1975).
(370)	(b)(3), 49 U.S.C. §1504, (b)(4)	Cutler v. CAB, 375 F. Supp. 722 (D.D.C. 1974).
(371)	(b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), attorney's fees	Dadco Fashions, Inc. v. NLRB, No. 78-0109 (W.D. La. 1978).
(372)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403(d)(3), (b)(6), adequacy of agency affidavit, "Glomar" denial, in camera affidavit	Daily Orange Corp. v. CIA, No. 79-CV-441 (N.D.N.Y. 1981), on motion for summary judgment, 532 F. Supp. 122 (N.D.N.Y. 1982).
(373)	(b)(3), 15 U.S.C. §57, (b)(5), (b)(7)(A)	Dairymen, Inc. v. FTC, 1 GDS ¶80,159 (D.D.C. 1980).

(374)	Privacy Act access	Daniels v. FCC, No. 77-501 (D.S.D. 1978).
(375)	(b)(8), discretionary release	Dannhausen v. First National Bank of Sturgeon Bay, 538 F. Supp. 551 (E.D. Wis. 1982).
(376)	(a)(2), (b)(5)	David B. Lilly Co. v. Renegotiation Board, 521 F.2d 315 (D.C. Cir. 1975).
(377)	Agency	Davidson v. State of Georgia, 622 F.2d 895 (5th Cir. 1980).
(378)	(b)(2), (b)(7)(A), (b)(7)(C), adequacy of request	Davis v. DOJ, No. 81-2351 (D.D.C. 1982).
(379)	(a)(1)(D), publication	Dean v. Butz, 428 F. Supp. 477 (D. Hawaii 1977).
(380)	(b)(1), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit	De Antonio v. Webster, 1 GDS ¶80,156 (D.D.C. 1980).
(381)	(b)(5)	Dean Witter & Co. v. EEOC, No. 77-0399 (D.D.C. 1977).
(382)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Deering Milliken, Inc. v. Nash, No. 75-864 (D.S.C. 1975), aff'd in part, rev'd in part & remanded sub nom. Deering Milliken, Inc. v. Irving, 548 F.2d 1131 (4th Cir. 1977).
(383)	(b)(3), 8 U.S.C. §1202	De Laurentiis v. Haig, 528 F. Supp. 601 (E.D. Pa. 1981), aff'd, ___ F.2d ___ (3d Cir. Aug. 12, 1982) (No. 82-1003).
(384)	Executive privilege, discovery/FOIA interface, Vaughn index	Dellums v. Powell, 2 GDS ¶81,137 (D.D.C. 1981), aff'd in part, rev'd in part & remanded, 642 F.2d 1351 (D.C. Cir. 1980).
(385)	(b)(1), (b)(3), 50 U.S.C. §403	Demetracopoulos v. Department of State, 1 GDS ¶80,012 (D.D.C. 1980).
(386)	(b)(1), (b)(2), (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(E), investigatory records, law enforcement purpose	Demetracopoulos v. FBI, 510 F. Supp. 529 (D.D.C. 1981), reconsideration denied, No. 78-2209 (D.D.C. 1981).
(387)	(b)(8)	Denny v. Carey, 78 F.R.D. 370 (E.D. Pa. 1978).
(388)	Adequacy of request, exhaustion of administrative remedies	Denton v. CIA, 2 GDS ¶81,068 (D.D.C. 1981).
(389)	(b)(6), duty to search	Devine v. Marsh, 2 GDS ¶82,022 (E.D. Va. 1981).

(390)	(b)(1), (b)(6), (b)(7)(C), (b)(7)(D), attorney's fees, discovery in FOIA litigation, duty to search, exhaustion of administrative remedies, proper party defendant, similar files, Vaughn index	Diamond v. FBI, 487 F. Supp. 774 (S.D.N.Y. 1979), subsequent decision, 532 F. Supp. 216 (S.D.N.Y. 1981).
(391)	Exhaustion of administrative remedies, fees, fee waiver	Diapulse Corp. v. FDA, 500 F.2d 75 (2d Cir. 1974).
(392)	(b)(5)	Dick v. IRS, 43 A.F.T.R. 2d 79-993 (N.D. Ill. 1979).
(393)	(b)(5)	Dick v. IRS, 41 A.F.T.R. 2d 78-638 (D.D.C. 1978).
(394)	Burden of proof, duty to search	DiModica v. FBI, No. C-75-2480A (N.D. Ga. 1977).
(395)	(b)(6), (b)(7)(C)	Dinitz v. FBI, 2 GDS ¶82,188 (M.D. Fla. 1980).
(396)	(b)(6), agency records, duty to create a record, attorney's fees	Disabled Officers Ass'n v. Rumsfeld, 428 F. Supp. 454 (D.D.C. 1977), aff'd, No. 77-1504 (D.C. Cir. 1978), attorney's fees awarded (D.D.C. 1979).
(397)	FOIA as a discovery tool	Disability Rights Center v. DOJ, No. 78-1194 (D.D.C. 1978).
(398)	(b)(5), (b)(7), FOIA as a discovery tool	Distillery, Rectifying, Wine & Allied Workers v. Miller, 68 Lab. Cas. (CCH) ¶12,750 (W.D. Ky. 1972).
(399)	(b)(4), (b)(6), FOIA as a discovery tool	Ditlow v. Shultz, 379 F. Supp. 326 (D.D.C. 1974), decision deferred, 517 F.2d 166 (D.C. Cir. 1975).
(400)	(b)(3), 18 U.S.C. §1905, (b)(4), (b)(5), (b)(7)	Ditlow v. Volpe, 362 F. Supp. 1321 (D.D.C. 1973), rev'd sub nom. Ditlow v. Brinegar, 494 F.2d 1073 (D.C. Cir. 1974), cert. denied, 419 U.S. 974 (1974).
(401)	(b)(7)(C)	Dixon v. IRS, No. 78-254-N (M.D. Ala. 1979).
(402)	(b)(1), agency records	DiViaio v. Kelley, 571 F.2d 538 (10th Cir. 1978).
(403)	Exhaustion of administrative remedies	Dizon v. SEC, 1 GDS ¶80,006 (D.D.C. 1980).
(404)	(b)(7)(C), (b)(7)(D)	Doberstyn v. FBI, No. 3 GDS ¶82,410 (N.D. Ohio 1982).
(405)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Doctors Hospital of Sarasota, Inc. v. Califano, 455 F. Supp. 476 (M.D. Fla. 1978).

(406)	Privacy Act access	Doe v. Civil Service Comm'n, 483 F. Supp. 539 (S.D.N.Y. 1980).
(407)	Mootness	Doe v. DOJ, No. C-1-79-693 (S.D. Ohio 1981).
(408)	(b)(3), 15 U.S.C. §46(f), (b)(4)	Doherty v. FTC, 2 GDS ¶81,241 (D.D.C. 1981).
(409)	Mootness	Dolzani v. VA, No. C-2-82-46 (S.D. Ohio 1982).
(410)	(b)(5), (b)(6), (b)(7)(A), mootness	Donn Products, Inc. v. NLRB, 93 L.R.R.M. 2065 (N.D. Ohio 1976), aff'd in part, rev'd in part & remanded, 583 F.2d 289 (6th Cir. 1978).
(411)	Privacy Act access, (b)(1), (b)(5), agency records, reasonably segregable	Dorl v. Levi, No. 75-2077 (D.N.J. 1977).
(412)	(b)(7)(C), (b)(7)(D)	Dornau v. FBI, 3 GDS ¶82,314 (D.D.C. 1982).
(413)	Fee waiver	Dorta v. FBI, 3 GDS ¶82,349 (D.D.C. 1982).
(414)	(b)(7)(A)	Doyle v. Behan, 670 F.2d 535 (5th Cir. 1982).
(415)	Equitable discretion, status of plaintiff	Doyle v. DOJ, 494 F. Supp. 842 (D.D.C. 1980), aff'd, 668 F.2d 1365 (D.C. Cir. 1981), cert. denied, 102 S.Ct. 1636 (1982).
(416)	(b)(1), E.O. 12065, (b)(7), (b)(7)(C), (b)(7)(D), law enforcement purpose	Doyle v. FBI, 3 GDS ¶82,406 (S.D. Cal. 1981).
(417)	(b)(5), (b)(7)(A), waiver of exemption	Dresser Industrial Valve Operations, Inc. v. EEOC, 2 GDS ¶82,197 (W.D. La. 1982).
(418)	Privacy Act access, exhaustion of administrative remedies	Dresser Industries, Inc. v. United States, 596 F.2d 1231 (5th Cir. 1979), cert. denied, 444 U.S. 1044 (1980).
(419)	(b)(7)(D), attorney's fees, FOIA/PA interface	Duffin v. Carlson, No. 78-1775 (D.D.C. 1979), aff'd, 636 F.2d 709 (D.C. Cir. 1980).
(420)	(a)(4)(D), (b)(1), E.O. 12065, (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, burden of proof, in camera inspection, assurance of confidentiality	Dunaway v. Kelley, No. C-77-0907-RFP (N.D. Cal. 1980), subsequent decision sub nom. Dunaway v. Webster, 519 F. Supp. 1059 (N.D. Cal. 1981).
(421)	(b)(3), 50 U.S.C. §403(d)(3), summary judgment	Dunayevskaya v. NSA, No. 7-71947 (E.D. Mich. 1979).

(422)	(b)(6), FOIA as a discovery tool	Duncan v. Civil Service Comm'n, 426 F. Supp. 41 (E.D. La. 1976).
(423)	Fees, fee waiver	Dunigan v. Propes, No. 78-C-698 (N.D. Ill. 1979).
(424)	(b)(7)(A)	Dutch Boy, Inc. v. NLRB, 83 Lab Cas. (CCH) ¶10,438 (N.D. Tex. 1978).
(425)	(b)(5)	Dworman Building Corp. v. GSA, 468 F. Supp. 389 (S.D.N.Y. 1979).
(426)	Attorney's fees	Eagle Technology, Inc. v. Defense Contract Audit Agency, No. 81-0531-A (E.D. Va. 1981).
(427)	Duty to disclose, improper withholding	Eason v. NRC, 1 GDS ¶80,027 (D.D.C. 1980).
(428)	(b)(7)(A), (b)(7)(D), attorney's fees, mootness	East Coast Engineering, Inc. v. Alexander, 2 GDS ¶81,218 (D.D.C. 1981).
(429)	Proper service of process	East Tennessee Research Corp. v. TVA 416 F. Supp. 988 (D.D.C. 1976), vacated, 424 F. Supp. 1329 (D.D.C. 1976).
(430)	(b)(7)(C), pro se litigant	Easter v. FBI, 2 GDS ¶81,195 (D.D.C. 1981).
(431)	Jurisdiction	Echols v. NLRB, 525 F.2d 288 (6th Cir. 1975).
(432)	(b)(5), (b)(7)(A), (b)(7)(B), attorney's fees, discretionary release, waiver of exemption	Education/Instruccion, Inc. v. United States, 471 F. Supp. 1074 (D. Mass. 1979), attorney's fees awarded, 1 GDS ¶80,192 (D. Mass. 1980), aff'd, 649 F.2d 4 (1st Cir. 1981).
(433)	(b)(1), (b)(3), 50 U.S.C. §403, adequacy of agency affidavit, "Glomar" denial	Edwards v. CIA, 512 F. Supp. 689 (D.D.C. 1981).
(434)	Attorney's fees	Ehlschide v. Department of Labor, 2 GDS ¶82,228 (E.D. Ky. 1980).
(435)	(b)(7), (b)(7)(A), law enforcement purpose, Vaughn index	Ehringhaus v. FTC, 525 F. Supp. 21 (D.D.C. 1980).
(436)	(b)(6)	E.I. du Pont de Nemours & Co. v. Finklea, 442 F. Supp. 821 (S.D. W. Va. 1977).
(437)	(b)(7)(A), duty to search, Vaughn index	Eisenberg v. DOJ, 2 GDS ¶81,034 (D.D.C. 1980), aff'd, No. 81-1314 (D.C. Cir. 1981).
(438)	(b)(5), (b)(7)(A), Vaughn index	Eisenberg v. IRS, 43 A.F.T.R. 2d 79-990 (N.D. Ill. 1978), dismissed (N.D. Ill. 1979).

(439)	(b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool	E.L. Rice & Co. v. Nash, 92 L.R.R.M. 3280 (E.D. Mich. 1976).
(440)	(a)(2)(B), (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(E)	Electronic Memories & Magnetic Corp. v. United States, 431 F. Supp. 356 (C.D. Cal. 1977).
(441)	(b)(5), (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim	Electri-Flex Co. v. NLRB, 412 F. Supp. 698 (N.D. Ill. 1976).
(442)	(b)(3), 18 U.S.C. §1905, 44 U.S.C. §3508	Emerson Electric Co. v. Schlesinger, 465 F.2d 22 (E.D. Mo. 1979), aff'd, 609 F.2d 898 (8th Cir. 1979).
(443)	Disciplinary proceedings	Emery v. Laise, 421 F. Supp. 91 (D.D.C. 1976), aff'd sub nom. Emery v. Reinhardt, No. 75-0381 (D.C. Cir. 1977).
(444)	Injunction of agency proceeding pending resolution of FOIA claim	Encyclopedia Britannica, Inc. v. FTC, 517 F.2d 1013 (7th Cir. 1975).
(445)	(b)(5), (b)(6)	Enfield v. FAA, 2 GDS ¶82,177 (D.D.C. 1980).
(446)	(a)(1), publication	Environmental Defense Fund v. Alexander, 501 F. Supp 742 (N.D. Miss. 1980).
(447)	Agency records	Environmental Defense Fund v. EPA, 3 GDS ¶82,398 (D.D.C. 1982).
(448)	(b)(7)(C), (b)(7)(D), attorney's fees	Eoff v. DOJ, 3 GDS ¶82,356 (E.D. Ky. 1981) (magistrate's report adopted), on motion for attorney's fees, 3 GDS ¶82,357 (E.D. Ky. 1981) (magistrate's report adopted).
(449)	(a)(2), (b)(7), (b)(7)(A), investigatory records, law enforcement purpose	Epstein, Becker, Borsody & Green v. Rougeau, 2 GDS ¶81,232 (D.D.C. 1981), dismissed, 2 GDS ¶81,233 (D.D.C. 1981).
(450)	(b)(1)	Epstein v. Resor, 296 F. Supp. 214 (N.D. Cal. 1969), aff'd, 421 F.2d 930 (9th Cir. 1970), cert. denied, 398 U.S. 965 (1970).
(451)	(a)(1)	EEOC v. Bay Shipbuilding Corp., 668 F.2d 304 (7th Cir. 1981).
(452)	(b)(5), executive privilege	EEOC v. Los Alamos Constructors, Inc., 382 F. Supp. 1373 (D.N.M. 1974).
(453)	(b)(5), (b)(7)(A), executive privilege	EEOC v. Roadway Express, Inc., 18 Empl. Prac. Dec. (CCH) ¶8804 (S.D. Tex. 1978).
(454)	Injunction of agency proceeding pending resolution of FOIA claim	EEOC v. Truck Drivers, Local 705, 23 Fair Empl. Prac. Cas. (BNA) 822 (N.D. Ill. 1978).

(455)	Duty to search	Eschelman v. DOD, No. CV-76-2793-ALS (C.D. Cal. 1977).
(456)	(b)(7), exhaustion of administrative remedies	Etheridge v. IRS, 74-1 U.S.T.C. ¶9354 (N.D. Ga. 1974).
(457)	(b)(5), executive privilege	Ethyl Corp. v. EPA, 478 F.2d 47 (4th Cir. 1973).
(458)	Fee waiver	Eudey v. CIA, 478 F. Supp. 1175 (D.D.C. 1979).
(459)	(b)(3), 49 U.S.C. §1504, (b)(7)	Evans v. DOT, 446 F.2d 821 (5th Cir. 1971), cert. denied, 405 U.S. 918 (1972).
(460)	(b)(3), 50 U.S.C. app. §2411(c)	Evans v. Kreps, 1 GDS ¶80,073 (D.D.C. 1980), aff'd sub nom. Evans v. Baldrige, No. 80-1438 (D.C. Cir. 1981), rehearing denied (D.C. Cir. 1981).
(461)	Privacy Act access, (b)(7), attorney's fees, exceptional circumstances/due diligence, FOIA/PA interface	Exner v. FBI, No. 76-89-S (S.D. Cal. 1978), remanded, 542 F.2d 1121 (9th Cir. 1976), on remand (S.D. Cal. 1977), on motion for attorney's fees, 443 F. Supp. 1349 (S.D. Cal. 1978), aff'd, 612 F.2d 1202 (9th Cir. 1980).
(462)	Adequacy of request, duty to search	Exxon Corp. v. DOE, 2 GDS ¶81,253 (D.D.C. 1981).
(463)	Reverse FOIA, (b)(3), 18 U.S.C. §1905	Exxon Corp. v. Donovan, 2 GDS ¶81,383 (D.D.C. 1981).
(464)	(b)(5), (b)(7), adequacy of request, summary judgment, Vaughn index	Exxon Corp. v. FTC, 384 F. Supp. 755 (D.D.C. 1974), remanded mem., 527 F.2d 1386 (D.C. Cir. 1976).
(465)	(b)(5), (b)(7)(A), (b)(7)(D), adequacy of agency affidavit, attorney work-product privilege, FOIA as a discovery tool, duty to search	Exxon Corp. v. FTC, 466 F. Supp. 1088 (D.D.C. 1978), subsequent decision, 476 F. Supp. 713 (D.D.C. 1979), aff'd, 663 F.2d 120 (D.C. Cir. 1980).
(466)	Fees, Vaughn index	Fackleman v. DOJ, No. C-75-2157A (N.D. Ga. 1976).
(467)	(b)(5), attorney work-product privilege, attorney's fees	Falcone v. IRS, 479 F. Supp. 985 (E.D. Mich. 1979), on motion for attorney's fees, 535 F. Supp. 1313 (E.D. Mich. 1982).
(468)	(b)(1), E.O. 12065, adequacy of agency affidavit	Farquharson v. Ford, 3 GDS ¶82,253 (D.D.C. 1982).
(469)	(b)(7), (b)(7)(A), investigatory records	Fedders v. FTC, 494 F. Supp. 325 (S.D.N.Y. 1980).

(470)	(b)(3), 49 U.S.C. §1421	Federal Aviation Administration v. Robertson, 498 F.2d 1031 (D.C. Cir. 1974), rev'd, 422 U.S. 255 (1975).
(471)	(b)(7)(A), attorney's fees, Vaughn index	Federal Builders, Inc. v. Marshall, 1 GDS ¶79,124 (D.D.C. 1979), on motion for attorney's fees, 2 GDS ¶82,020 (D.D.C. 1981).
(472)	Improper withholding	Federal Deposit Insurance Corp. v. Ernst & Ernst, 677 F.2d 230 (2d Cir. 1982).
(473)	Discretionary release	Federal Election Comm'n v. Illinois Medical Political Action Committee, 503 F. Supp. 45 (N.D. Ill. 1980).
(474)	Agency records, agency subpoenas, disclosure to Congress, discretionary release	FTC v. Anderson, 442 F. Supp. 1118 (D.D.C. 1977), aff'd in part, rev'd in part, 631 F.2d 741 (D.C. Cir. 1979), on remand, 1 GDS ¶80,269 (D.D.C. 1980).
(475)	Duty to disclose	FTC v. Johns-Manville Corp., 1980-81 Trade Cas. (CCH) ¶63,102 (D. Colo. 1979).
(476)	Agency subpoenas, Congressional subpoenas, disclosure to Congress, discretionary release	FTC v. Owens-Corning Fiberglass Corp., No. 78-313 (D.D.C. 1979), aff'd in part, rev'd in part, 629 F.2d 966 (D.C. Cir. 1980).
(477)	Agency subpoenas	FTC v. Texaco, Inc., Nos. 73-1089, 73-1091 (D.D.C. 1974), aff'd in part, rev'd in part, 517 F.2d 137 (D.C. Cir. 1975), vacated pending rehearing en banc, No. 74-1547 (D.C. Cir. 1976), aff'd, 555 F.2d 862 (D.C. Cir. 1977) (en banc), cert. denied, 431 U.S. 974 (1977).
(478)	(b)(6), discovery/ FOIA interface	Fendler v. Hawkins, No. 78-623-PHX WPC (D. Ariz. 1979), aff'd, No. 79-3015 (9th Cir. 1980).
(479)	Attorney's fees	Fenster v. Brown, 617 F.2d 740 (D.C. Cir. 1979).
(480)	(b)(4), (b)(5)	Fenster v. Fletcher, No. 71-822 (D.D.C. 1971).
(481)	(b)(6), attorney's fees	Fensterwald v. CIA, No. 75-282A (E.D. Va. 1975).
(482)	(b)(1), (b)(2), (b)(3), 50 U.S.C. §403, (b)(5)	Fensterwald v. CIA, 443 F. Supp. 667 (D.D.C. 1977), subsequent decision, No. 75-987 (D.D.C. 1978), subsequent decision vacated (D.D.C. 1978).
(483)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), in camera inspection, reasonably segregable	Ferguson v. Kelley, 448 F. Supp. 919 (N.D. Ill. 1977), reconsideration granted, 455 F. Supp. 324 (N.D. Ill. 1978).

(484)	(b)(2), (b)(3), 28 U.S.C. §534, (b)(6), (b)(7), (b)(7)(C), (b)(7)(E), adequacy of agency affidavit, adequacy of request, agency records (judicial branch records not agency records), investigatory records, law enforcement purpose, venue	Ferri v. Bell, No. 78-840 (M.D. Pa. 1979), rev'd, 645 F.2d 1213 (3d Cir. 1981), vacated, No. 79-2414 (3d Cir. 1981), reinstated in part on rehearing, 671 F.2d 769 (3d Cir. 1982).
(485)	(b)(2), (b)(6)	Ferris v. IRS, 2 GDS ¶82,084 (D.D.C. 1981).
(486)	(b)(1), (b)(3), (b)(6), attorney's fees	Ferry v. CIA, 458 F. Supp. 664 (S.D.N.Y. 1978), on motion for attorney's fees, No. 75-CIV-6445 (S.D.N.Y. 1979).
(487)	(b)(4), (b)(6)	Fidell v. United States Coast Guard, 2 GDS ¶81,144 (D.D.C. 1981).
(488)	(a)(2), (a)(2)(C), (b)(4), (b)(5), (b)(7)(A), (b)(7)(E), Fed.R.Civ.Pro. 34	Firestone Tire & Rubber Co. v. Coleman, 432 F. Supp. 1359 (N.D. Ohio 1976).
(489)	(b)(5), attorney work-product privilege, discovery in FOIA litigation	Firestone Tire & Rubber Co. v. DOJ, 2 GDS ¶82,009 (D.D.C. 1981), aff'd mem., No. 81-1979 (D.C. Cir. 1982).
(490)	(b)(4), (b)(5), (b)(8)	First Federal Savings & Loan Ass'n v. Federal Home Loan Bank Board, 426 F. Supp. 454 (W.D. Ark. 1977), aff'd, 570 F.2d 693 (8th Cir. 1978).
(491)	Exhaustion of administrative remedies	First Financial Group of Texas, Inc. v. SEC, 2 GDS ¶82,227 (S.D. Tex. 1980).
(492)	(b)(4), (b)(7), equitable discretion	First Girl, Inc. v. Department of Labor, No. 75-C-3133 (N.D. Ill. 1976).
(493)	(b)(4), (b)(5)	Fisher v. Renegotiation Board, 473 F.2d 109 (D.C. Cir. 1972), on remand, 355 F. Supp. 1171 (D.D.C. 1973).
(494)	Fees, fee waiver	Fitzgibbon v. CIA, No. 76-700 (D.D.C. 1977).
(495)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6), agency records (Congressional records not agency records), adequacy of agency affidavit, duty to search, in camera inspection	Fitzgibbon v. CIA, No. 79-0954 (D.D.C. 1981).
(496)	(b)(6), (b)(7), (b)(7)(C), agency records, improper withholding, investigatory records	Florame v. United States Parole Comm'n, 2 GDS ¶82,205 (D.D.C. 1982).

(497)	(b)(1), attorney's fees	Florence v. DOD, 415 F. Supp. 156 (D.D.C. 1976).
(498)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 12 U.S.C. §1306	Florida Medical Ass'n v. HEW, 434 F. Supp. 326 (M.D. Fla. 1976), rev'd & remanded, 601 F.2d 199 (5th Cir. 1979), on remand, 479 F. Supp. 1291 (M.D. Fla. 1979).
(499)	(b)(1), (b)(2), (b)(7)(C), (b)(7)(D), attorney's fees	Flower v. FBI, 448 F. Supp. 567 (W.D. Tex. 1978).
(500)	(b)(1), (b)(2), (b)(3), 50 U.S.C. §403, (b)(5), (b)(6), (b)(7)(F), adequacy of request, attorney's fees, attorney work-product privilege, discovery in FOIA litigation, duty to search, in camera inspection	Fonda v. CIA, 434 F. Supp. 498 (D.D.C. 1977).
(501)	Attorney's fees, burden of proof	Fonda v. DOJ, 2 GDS ¶81,206 (D.D.C. 1981).
(502)	Attorney's fees	Ford v. Selective Service System, 439 F. Supp. 1262 (M.D. Pa. 1977).
(503)	(b)(7)(C), (b)(7)(D), assurance of confidentiality, waiver of exemption	Foreste v. DOJ, No. 80-C-191 (N.D. Ill. 1982).
(504)	(b)(6), (b)(7), (b)(7)(C), investigatory records	Forrester v. Department of Labor, 433 F. Supp. 987 (S.D.N.Y. 1977), aff'd, 591 F.2d 1330 (2d Cir. 1978).
(505)	(b)(2), (b)(3), 26 U.S.C. §6103, failure to meet time limits, duty to create a record	Forrester v. IRS, 48 A.F.T.R. 2d 81-5419 (S.D.N.Y. 1981).
(506)	Fee waiver	Forsbery v. DOJ, No. 78-797 (D. Or. 1979).
(507)	Agency, agency records	Forsham v. Mathews, No. 75-1668 (D.D.C. 1976), aff'd sub nom. Forsham v. Califano, 587 F.2d 1128 (D.C. Cir. 1978), aff'd sub nom. Forsham v. Harris, 445 U.S. 169 (1980).
(508)	(b)(5), executive privilege	Foster v. United States Customs Service, 2 GDS ¶81,249 (D. Hawaii 1980).
(509)	(b)(7)(A)	Fotomat Corp. v. NLRB, 573 F.2d 959 (6th Cir. 1978), order enforced, 634 F.2d 330 (6th Cir. 1980).

(510)	(b)(1), (b)(2), (b)(3) 26 U.S.C. §6103, (b)(5), (b)(7)(D), adequacy of agency affidavit, referral of request to another agency	Founding Church of Scientology v. Levi, No. 75-1577 (D.D.C. 1978), rev'd sub nom. Founding Church of Scientology v. Bell, 603 F.2d 945 (D.C. Cir. 1979), decision on remand, 1 GDS ¶80,155 (D.D.C. 1980), rev'd & remanded sub nom. Founding Church of Scientology v. Smith, No. 80-2049 (D.C. Cir. 1981), on remand, 2 GDS ¶81,152 (D.D.C. 1982).
(511)	Attorney's fees	Founding Church of Scientology v. Marshall, 439 F. Supp. 1267 (D.D.C. 1977).
(512)	(b)(2), (b)(7), (b)(7)(C), (b)(7)(D), agency records, law enforcement purpose	Founding Church of Scientology v. Miller, 490 F. Supp. 144 (D.D.C. 1980), rev'd & remanded sub nom. Founding Church of Scientology v. Regan, 670 F.2d 1158 (D.C. Cir. 1981), cert. denied, 102 S.Ct. 1971 (1982).
(513)	(b)(1), (b)(3), 50 U.S.C. §403, duty to search, burden of proof, de novo review, in camera affidavit, summary judgment, Vaughn index	Founding Church of Scientology v. NSA, 434 F. Supp. 632 (D.D.C. 1977), rev'd, 610 F.2d 824 (D.C. Cir. 1979), on remand, No. 76-1494 (D.D.C. 1980), aff'd, 2 GDS ¶81,109 (D.C. Cir. 1981) (per curiam).
(514)	(b)(7)(C), (b)(7)(D), adequacy of agency affidavit, discovery in FOIA litigation, duty to search, Vaughn index	Founding Church of Scientology v. United States Marshals Service, 516 F. Supp. 151 (D.D.C. 1981), on motion for summary judgment, 2 GDS ¶81,314 (D.D.C. 1981).
(515)	Reverse FOIA, (b)(4)	Fountainhead Group, Inc. v. Consumer Product Safety Comm'n, 527 F. Supp. 294 (N.D.N.Y. 1981).
(516)	(b)(5), (b)(6), attorney-client privilege, attorney work-product privilege, proper party defendant	Fox v. Harris, 488 F. Supp. 488 (D.D.C. 1980).
(517)	(b)(1), (b)(3), 50 U.S.C. §403, in camera inspection	Frank v. CIA, No. 77-14-D (S.D. Iowa 1977), remanded, No. 77-1844 (8th Cir. 1978).
(518)	(b)(2), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), FOIA/PA interface	Frank v. DOJ, 480 F. Supp. 596 (D.D.C. 1979).
(519)	(b)(4), (b)(5), (b)(7)	Frankel v. SEC, 336 F. Supp. 675 (S.D.N.Y. 1971), rev'd, 460 F.2d 813 (2d Cir. 1972), cert. denied, 409 U.S. 889 (1972).
(520)	Discretionary release	Freeman v. Seligson, 405 F.2d 1326 (D.C. Cir. 1968).

(521)	Exhaustion of administrative remedies	Friedman v. Commodity Futures Trading Comm'n, No. 80-C-6389 (N.D. Ill. 1981).
(522)	Attorney's fees	Friedman v. Department of the Treasury, C-78-957A (N.D. Ga. 1979).
(523)	(a)(2)(C), (b)(7)(A), (b)(7)(E)	Friedman v. DOT, No. C-78-957A (N.D. Ga. 1978), subsequent decision (N.D. Ga. 1979).
(524)	(b)(7), (b)(7)(C), duty to search, exhaustion of administrative remedies, law enforcement purpose	Friedman v. FBI, No. C-78-309A (N.D. Ga. 1981), on motion for summary judgment (N.D. Ga. 1981).
(525)	(a)(2)(C), (b)(3), 26 U.S.C. §6103, §7213, equitable discretion	Fruehauf Corp. v. IRS, 369 F. Supp. 108 (E.D. Mich. 1974), aff'd in part, rev'd in part, 522 F.2d 284 (6th Cir. 1975), rev'd & remanded, 429 U.S. 1085, on remand, 566 F.2d 574 (6th Cir. 1977).
(526)	(b)(1), discovery in FOIA litigation, exhaustion of administrative remedies, in camera inspection	Frydman v. DOJ, 3 GDS ¶82,345 (D. Kan. 1981), in camera inspection ordered, 3 GDS ¶82,346 (D. Kan. 1981), supplemental decision, 3 GDS §82,345 (D. Kan. 1982).
(527)	(b)(1), E.O. 11652, (b)(5), executive privilege	Fulbright & Jaworski v. Department of the Treasury, 3 GDS ¶82,326 (D.D.C. 1982).
(528)	(b)(5), (b)(7)(D), inter- or intra-agency memoranda	Fullerton Transfer & Storage, Ltd. v. NLRB, 2 GDS ¶82,202 (N.D. Ohio 1980).
(529)	(b)(3), 15 U.S.C. §41, (b)(4), (b)(5), (b)(7)(A), (b)(7)(C)	Fund for Constitutional Government v. FTC, 2 GDS ¶81,246 (D.D.C. 1981).
(530)	(b)(3), 26 U.S.C. §6103, Fed.R.Crim. Pro. 6(e), (b)(5), (b)(7)(C), attorney's fees	Fund for Constitutional Government v. NARS, 485 F. Supp. 1 (D.D.C. 1978), aff'd in part, rev'd in part & remanded, 656 F.2d 856 (D.C. Cir. 1981), on remand, 2 GDS ¶82,216 (D.D.C. 1982).
(531)	(b)(5), (b)(7), burden of proof, FOIA as a discovery tool	Fungone v. Bureau of Prisons, No. C-75-2498 (N.D. Ga. 1976).
(532)	(b)(5), (b)(7)(D)	Furr's Cafeterias, Inc. v. NLRB, 416 F. Supp. 629 (N.D. Tex. 1976), rev'd & remanded, 566 F.2d 505 (5th Cir. 1978).
(533)	Agency	Gale v. Andrus, No. 77-1349 (D.D.C. 1979), aff'd, 1 GDS ¶80,191 (D.C. Cir. 1980).
(534)	Adequacy of request	Gale v. Bureau of Prisons, No. 79-2571 (D.D.C. 1979), rev'd & remanded, 628 F.2d 224 (D.C. Cir. 1980).

(535)	(b)(7), agency	Gang v. Civil Service Comm'n, No. 76-1263 (D.D.C. 1977).
(536)	(b)(3), 50 U.S.C. §403(d)(3), §403g, adequacy of agency affidavit, "Glomar" denial, "mosaic," summary judgment	Gardels v. CIA, 484 F. Supp. 368 (D.D.C. 1980), rev'd on procedural grounds, 637 F.2d 770 (D.C. Cir. 1980), on remand, 510 F. Supp. 977 (D.D.C. 1981), aff'd, ___ F.2d ___ (D.C. Cir. Sept. 28, 1982) (No. 81-1567).
(537)	Proper party defendant	Gary Energy Corp. v. DOE, 89 F.R.D. 675 (D. Colo. 1981).
(538)	Exhaustion of administrative remedies	Gasco, Inc. v. DOE, No. 78-0390 (D.D.C. 1978).
(539)	(b)(5), agency	Gates v. Schlesinger, 366 F. Supp. 797 (D.D.C. 1973).
(540)	Exhaustion of administrative remedies	Gaunce v. United States, 1 GDS ¶80,149 (D.D.C. 1980).
(541)	(b)(7)(C), (b)(7)(D)	Gay v. DOJ, No. 81-550-Phx-WPC (D. Ariz. 1981), amended (D. Ariz. 1981).
(542)	Fees, fee waiver	Gaylor v. FBI, 2 GDS ¶82,241 (D.D.C. 1982).
(543)	Adequacy of request, attorney's fees, exhaustion of administrative remedies	Gedden, Daiker, Manno, Brownell & Elder v. United States Postal Service, 2 GDS ¶81,369 (S.D. Iowa 1980).
(544)	Injunction of agency proceeding pending resolution of FOIA claim	General Cigar Co. v. Nash, 89 L.R.R.M. 2863 (D.D.C. 1975).
(545)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), duty to disclose	General Dynamics Corp. v. Dunlop, 427 F. Supp. 578 (E.D. Mo. 1976), vacated & remanded sub nom. General Dynamics Corp. v. Marshall, 572 F.2d 1211 (8th Cir. 1978), cert. granted, vacated & remanded, 441 U.S. 919 (1979), on remand, 607 F.2d 234 (8th Cir. 1979).
(546)	(b)(3), 26 U.S.C. §6103	General Foods Corp. v. FTC, 1 GDS ¶80,236 (D.D.C. 1980).
(547)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	General Motors Corp. v. Marshall, 1 GDS ¶80,019 (E.D. Va. 1980), rev'd & remanded, 654 F.2d 294 (4th Cir. 1981).
(548)	(b)(5), (b)(7)(A), (b)(7)(D)	Gerico, Inc. v. NLRB, 92 L.R.R.M. 2713 (D. Colo. 1976).
(549)	(b)(4), (b)(7)	Getman v. NLRB, 77 L.R.R.M. 3063 (D.D.C. 1971), aff'd, 450 F.2d 670 (D.C. Cir. 1971), stay denied, 404 U.S. 1204 (1971).
(550)	FOIA as a discovery tool	Ghandi v. Police Department, 74 F.R.D. 115 (E.D. Mich. 1977).

(551)	(b)(3), 39 U.S.C. §410(c)(6), attorney's fees	Gibson v. Davis, 587 F.2d 280 (6th Cir. 1978), cert. denied, 441 U.S. 905 (1979).
(552)	(b)(3), 39 U.S.C. §410(c)(6), discretionary release	Gibson v. Department of the Treasury, No. C-3-75-316 (S.D. Ohio 1976).
(553)	Agency records	Gideon v. Benson, No. TH-75-78-C (S.D. Ind. 1975).
(554)	(b)(4), (b)(5), (b)(7)(A), (b)(7)(D), FOIA as a discovery tool	Gifford-Hill, Inc. v. FTC, 1975-2 Trade Cas. (CCH) ¶60,674 (D.D.C. 1976).
(555)	(a)(1)(D), (a)(2)(C)	Giles Lowery Stockyards v. USDA, 565 F.2d 321 (5th Cir. 1977), cert. denied, 436 U.S. 957 (1978).
(556)	(b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim	Gimbel Brothers v. NLRB, 92 L.R.R.M. 2733 (E.D. Pa. 1976).
(557)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6)	Ginsberg v. CIA, 1 GDS ¶80,015 (D.D.C. 1980).
(558)	(b)(1), (b)(2), (b)(7)(C), Vaughn index	Ginsberg v. DOJ, No. 77-532 (D.D.C. 1978), modified, 2 GDS ¶81,106 (D.D.C. 1979), on motion for reconsideration, 2 GDS ¶81,222 (D.D.C. 1980).
(559)	(b)(2), (b)(7), (b)(7)(E)	Ginsberg, Feldman & Bress v. Federal Energy Administration, 39 Ad.L.2d (P&F) 332 (D.D.C. 1976), aff'd, 591 F.2d 717 (D.C. Cir. 1978), vacated pending rehearing en banc, No. 76-1759 (D.C. Cir. 1978), aff'd, 591 F.2d 752 (D.C. Cir. 1978) (en banc), cert. denied, 441 U.S. 906 (1979).
(560)	(b)(5)	Ginsberg v. Richardson, 436 F.2d 1146 (3d Cir. 1971), cert. denied, 402 U.S. 976 (1971), rehearing denied, 403 U.S. 912 (1971).
(561)	Attorney's fees, improper withholding	Ginter v. IRS, 2 GDS ¶81,030 (E.D. Ark. 1980), aff'd, 648 F.2d 469 (8th Cir. 1981).
(562)	Attorney's fees	Giordano v. Roudebush, 448 F. Supp. 899 (S.D. Iowa 1977).
(563)	(a)(1)(D), (a)(1)(E)	Girard Trust Bank v. United States, 602 F.2d 938 (Ct. Cl. 1979).
(564)	Discovery in FOIA litigation, duty to create a record, jurisdiction	Giza v. HEW, 628 F.2d 748 (1st Cir. 1980).
(565)	(b)(4)	Glacier Park Foundation v. Andrus, 506 F. Supp. 637 (D. Mont. 1981).

(566)	(b)(3), 26 U.S.C. §6103, §7213	Glickman, Luri, Eiger & Co. v. IRS, No. 4-75-Civ-303 (D. Minn. 1975).
(567)	(b)(2), (b)(3), 28 U.S.C. §534, (b)(5), (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), agency, discovery in FOIA litigation, investigatory records, referral of request to another agency	Globe Newspaper Co. v. DOJ, 2 GDS ¶82,002 (D. Mass. 1980).
(568)	(b)(1), (b)(4), agency records (Congressional records not agency records), attorney's fees, duty to search	Goland v. CIA, No. 76-0166 (D.D.C. 1976), aff'd, 607 F.2d 339 (D.C. Cir. 1978), vacated in part & rehearing denied, 607 F.2d 367 (D.C. Cir. 1979), cert. denied, 445 U.S. 927 (1980).
(569)	(b)(2), (b)(3), Fed.R.Crim.Pro. 6(e), (b)(5), (b)(7)(A), (b)(7)(C), (b)(8)	Goldberg v. DOJ, No. CV-75-1934-RJK (C.D. Cal. 1978).
(570)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(A), (b)(7)(C), attorney-client privilege, attorney work-product privilege	Goldberg v. Department of the Treasury, No. CV 75-1933-RJK (C.D. Cal. 1978).
(571)	Exhaustion of administrative remedies, res judicata	Goldsborough v. IRS, 2 GDS ¶82,222 (D. Md. 1980), subsequent decision, 2 GDS ¶82,223 (D. Md. 1982).
(572)	Attorney's fees	Goldstein v. Levi, 415 F. Supp. 303 (D.D.C. 1976).
(573)	Exceptional circumstances/due diligence	Gonzalez v. DEA, 1 GDS ¶81,016 (D.D.C. 1980), subsequent decision, No. 81-2360 (D.D.C. 1982).
(574)	(b)(5), (b)(7)(A), (b)(7)(D)	Goodfriend Western Corp. v. Fuchs, 411 F. Supp. 454 (D. Mass. 1976), rev'd, 535 F.2d 145 (1st Cir. 1976), cert. denied, 429 U.S. 895 (1976).
(575)	Privacy Act access	Gorod v. IRS, 86 F.R.D. 225 (D. Mass. 1979).
(576)	(b)(5), commercial privilege, discovery/ FOIA interface	Government Land Bank v. GSA, 671 F.2d 663 (1st Cir. 1982).
(577)	(b)(3), 18 U.S.C. §1905, (b)(4), agency records (personal records not agency records)	Government Sales Consultants, Inc. v. GSA, 1 GDS ¶80,093 (D.D.C. 1980).
(578)	(b)(7)(A)	Grabinski v. IRS, 478 F. Supp. 486 (E.D. Mo. 1979).

(579)	(b)(5), (b)(7)(A), attorney work-product privilege, executive privilege	Grand Laboratories, Inc. v. HHS, 3 GDS ¶82,306 (D.D.C. 1982).
(580)	(b)(7)(A), (b)(7)(D), FOIA as a discovery tool, assurance of confidentiality	Grand Laboratories, Inc. v. USDA, 3 GDS ¶82,277 (D.D.C. 1979), aff'd, No. 80-1098 (D.C. Cir. 1980).
(581)	(b)(5), (b)(6)	Grassetti v. Weinberger, 408 F. Supp. 142 (N.D. Cal. 1976).
(582)	(b)(3), 50 U.S.C. §2406(b)	Green v. Department of Commerce, 468 F. Supp. 691 (D.D.C. 1979), aff'd in part, No. 79-1509 (D.C. Cir. 1979), appeal dismissed, 618 F.2d 836 (D.C. Cir. 1980), judgment modified, 489 F. Supp. 977 (D.D.C. 1980).
(583)	(b)(3), 26 U.S.C. §6103	Green v. IRS, 45 A.F.T.R. 2d 81-1261, 2 GDS ¶81,245 (S.D. Ind. 1981).
(584)	(b)(1), (b)(2), (b)(3), 50 U.S.C. §403, in camera inspection, Vaughn index	Green v. Kissinger, No. 76-C-3899 (N.D. Ill. 1977).
(585)	(b)(4), (b)(7)	Green v. Kleindienst, 378 F. Supp. 1397 (D.D.C. 1974).
(586)	FOIA as a discovery tool	Greene County Planning Board v. FPC, 559 F.2d 1227 (2d Cir. 1976), cert. denied, 434 U.S. 1086 (1978).
(587)	Exceptional circumstances/due diligence	Greentree v. DEA, 1 GDS ¶80,201 (D.D.C. 1980), rev'd on other grounds, 674 F.2d 74 (D.C. Cir. 1982) (consolidated).
(588)	Privacy Act access, (b)(3), 5 U.S.C. §552a(j)(2), FOIA/PA interface	Greentree v. United States Customs Service, 515 F. Supp. 1145 (D.D.C. 1981), rev'd, 674 F.2d 74 (D.C. Cir. 1982).
(589)	(b)(7)(D)	Gregg v. IRS, 1 GDS ¶80,056 (D.D.C. 1980).
(590)	(b)(4), (b)(5)	Gregory v. Board of Governors, 496 F. Supp. 342 (D.D.C. 1980).
(591)	(b)(5), (b)(6), (b)(7), (b)(8), attorney's fees	Gregory v. FDIC, 470 F. Supp. 1329 (D.D.C. 1979), aff'd in part, rev'd in part, 631 F.2d 896 (D.C. Cir. 1980).
(592)	(b)(3), 26 U.S.C. §6103, §6110	Grenier v. IRS, 449 F. Supp. 834 (D. Md. 1978).
(593)	Attorney's fees	Griffin v. Department of Labor, 3 GDS ¶82,340 (N.D. Ill. 1981).
(594)	Jurisdiction	Grissom v. NLRB, 364 F. Supp. 1151 (M.D. La. 1973), aff'd sub nom. NLRB v. Big Three Industries, Inc., 497 F.2d 43 (5th Cir. 1974).

(595)	(b)(5), attorney-client privilege, attorney work-product privilege, in camera inspection	Grolier, Inc. v. FTC, 2 GDS ¶82,186 (D.D.C. 1980), in camera inspection ordered, 1 GDS ¶80,245 (D.D.C. 1980), aff'd in part, rev'd in part & remanded, 671 F.2d 553 (D.C. Cir. 1982), rehearing en banc denied, No. 80-1939 (D.C. Cir. 1982), petition for cert. filed, No. 82-372 (U.S., Sept. 10, 1982).
(596)	(b)(5), attorney work-product privilege, duty to search, executive privilege	Grolier, Inc. v. FTC, No. 76-1559 (D.D.C. 1978).
(597)	Attorney's fees	Grooms v. Snyder, 474 F. Supp. 380 (N.D. Ind. 1979).
(598)	(b)(7)(A), (b)(7)(C), (b)(7)(D), exhaustion of administrative remedies	Grossman v. McMillan, 1976-2 U.S. Tax Cas. (CCH) ¶9490 (S.D. Fla. 1976).
(599)	(b)(1), E.O. 12065, (b)(3), (b)(6), attorney's fees, duty to search	Ground Saucer Watch, Inc. v. CIA, 1 GDS ¶80,128 (D.D.C. 1980).
(600)	Preliminary injunction	Grove Press, Inc. v. CIA, 398 F. Supp. 1139 (S.D.N.Y. 1975).
(601)	Adequacy of request, duty to search, exhaustion of administrative remedies	Grove Press, Inc. v. DOJ, No. 75-Civ-6204-(GLG) (S.D.N.Y. 1979).
(602)	Attorney's fees	Grumman Aerospace Corp. v. United States, 579 F.2d 586 (Ct. Cl. 1978).
(603)	(a)(2)(A), (a)(3), (b)(4), (b)(5), executive privilege	Grumman Aircraft Engineering Corp. v. Renegotiation Board, 425 F.2d 578 (D.C. Cir. 1970), on remand, 325 F. Supp. 1146 (D.D.C. 1971), aff'd, 482 F.2d 710 (D.C. Cir. 1973), rev'd, 421 U.S. 168 (1975), on remand, 515 F.2d 1017 (D.D.C. 1975).
(604)	Reverse FOIA, (b)(3), 15 U.S.C. §2055, improper withholding	GTE Sylvania, Inc. v. Consumer Product Safety Comm'n, 443 F. Supp. 1152 (D. Del. 1977), aff'd, 598 F.2d 790 (3d Cir. 1979), aff'd, 447 U.S. 102 (1980).
(605)	(b)(5)	Guckian v. GSA, No. 75-2156, 38 Ad. L.2d (P&F) 1061 (D.D.C. 1976), remanded with instructions to vacate, No. 76-1410 (D.C. Cir. 1976) (per curiam).
(606)	Privacy Act access	Guerra v. Bell, No. 78-1509 (D.D.C. 1979).
(607)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Guerra v. Guajardo, 466 F. Supp. 1046 (S.D. Tex. 1978), aff'd, 597 F.2d 769 (5th Cir. 1979).

(608)	Reverse FOIA, (b)(3), 18 U.S.C. §1905	Gulf Oil Corp. v. Marshall, 1 GDS ¶79,163 (D.D.C. 1979).
(609)	(a)(1)(D)	Gunter v. Comptroller of the Currency, No. C-78-792A (N.D. Ga. 1978).
(610)	(b)(1), (b)(7)(D)	Gutman v. Kelley, No. 75-C-3576 (N.D. Ill. 1978).
(611)	(b)(4), waiver of exemption	Gulf & Western Industries, Inc. v. United States, 615 F.2d 527 (D.C. Cir. 1979).
(612)	(b)(5), commercial privilege	Hack v. Department of Energy, 538 F. Supp. 1098 (D.D.C. 1982).
(613)	(b)(1), discretionary release, in camera inspection, leaks	Halkin v. Department of State, Nos. 77-1922, 77-1923 (D.C. Cir. 1978).
(614)	(b)(1), E.O. 11652, (b)(2), (b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(7)(C), (b)(7)(D), (b)(7)(E)	Halkin v. FBI, 3 GDS ¶82,369 (N.D. Ill. 1980), reconsideration granted, 3 GDS ¶82,370 (N.D. Ill. 1980).
(615)	(b)(3), 50 U.S.C. §403(d)(3), §403g, adequacy of agency affidavit, summary judgment, "mosaic"	Halperin v. CIA, No. 77-1859 (D.D.C. 1979), aff'd, 629 F.2d 144 (D.C. Cir. 1980).
(616)	(b)(1), (b)(3), 50 U.S.C. §403	Halperin v. CIA, 446 F. Supp. 661 (D.D.C. 1978).
(617)	(b)(1)	Halperin v. Colby, No. 75-676 (D.D.C. 1976).
(618)	(b)(1), equitable discretion, in camera inspection, waiver of exemption	Halperin v. Department of State, 565 F.2d 699 (D.C. Cir. 1977), cert. denied, 434 U.S. 1046 (1978).
(619)	(b)(1), in camera inspection, reasonably segregable	Halperin v. National Security Council, 452 F. Supp. 47 (D.D.C. 1978), aff'd mem., 612 F.2d 586 (D.C. Cir. 1980), reconsideration denied, 2 GDS ¶82,165 (D.C. Cir. 1980).
(620)	(b)(7)(C), (b)(7)(D), discovery in FOIA litigation, in camera inspection	Halperin v. Webster, 1 GDS ¶79,108 (D.D.C. 1979).
(621)	(b)(7)(C), (b)(7)(D), pro se litigant, summary judgment	Ham v. Bell, No. 79-0082 (D.D.C. 1979), rev'd & remanded sub nom. Ham v. Smith, 653 F.2d 628 (D.C. Cir. 1981), on remand, 2 GDS ¶82,025 (D.D.C. 1981).
(622)	Exhaustion of administrative remedies	Hamilton v. DOJ, No. 79-0945 (W.D. La. 1980).

(623)	(a)(6)(A), (a)(6)(B), (b)(1), E.O. 11652, attorney's fees, Vaughn index	Hamlin v. Kelley, 433 F. Supp. 180 (N.D. Ill. 1977), modified on reconsideration, 2 GDS ¶81,378 (N.D. Ill. 1980).
(624)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim	Hankamer Ready Mix Concrete Co. v. NLRB, 92 L.R.R.M. 2720 (D. Kan. 1976).
(625)	(b)(7)	Harbolt v. Alldredge, 464 F.2d 1243 (10th Cir. 1972), cert. denied, 409 U.S. 1025 (1972).
(626)	Agency records, proper party defendant	Harbolt v. Bensinger, No. 76-H-1737 (S.D. Tex. 1977).
(627)	(b)(2), mootness	Harbolt v. Carlson, No. 77-0341A (N.D. Ga. 1978).
(628)	(b)(6)	Harbolt v. Department of State, 616 F.2d 772 (5th Cir. 1980), cert. denied, 449 U.S. 856 (1980).
(629)	(a)(2)(C), (b)(2), equitable discretion, interaction of (a)(2) & (a)(3)	Hardy v. Bureau of Alcohol, Tobacco & Firearms, No. CIV-78-189-TUC (D. Ariz. 1979), rev'd, 631 F.2d 653 (9th Cir. 1980).
(630)	(a)(1)(D), (a)(1)(E), publication	Hark v. Dragon, 477 F. Supp. 308 (D. Vt. 1979), aff'd, 611 F.2d 11 (2d Cir. 1979).
(631)	(b)(7)(A), (b)(7)(C), (b)(7)(D)	Harowe Servo Controls, Inc. v. NLRB, 92 L.R.R.M. 2572 (E.D. Pa. 1976).
(632)	(b)(2), (b)(7)(A)	Harper v. Department of the Treasury 2 GDS ¶82,054 (D.D.C. 1981).
(633)	De novo review, fee waiver	Harper v. FBI, No. 81-0834 (M.D. Pa. 1982).
(634)	Exhaustion of administrative remedies	Harper v. Kobelinski, No. 76-1460 (D.D.C. 1977), rev'd, 589 F.2d 721 (D.C. Cir. 1978).
(635)	Exhaustion of administrative remedies, injunction of agency proceeding pending resolution of FOIA claim	Hartford Fire Insurance Co. v. NLRB, 73 Lab. Cas. (CCH) ¶14,409 (D.D.C. 1974).
(636)	(b)(7)(A), FOIA as a discovery tool, Vaughn index	Hartman v. IRS, 41 A.F.T.R. 2d 78-305 (W.D. Pa. 1977).
(637)	(b)(7)(A), exhaustion of administrative remedies, in camera inspection	Harvey's Wagon Wheel, Inc. v. NLRB, 91 L.R.R.M. 2410 (N.D. Cal. 1976), aff'd in part, rev'd in part & remanded, 550 F.2d 1139 (9th Cir. 1976).

(638)	(b)(4), discretionary release	Hawaiian International Shipping Corp. v. Department of Commerce, 3 GDS ¶82,366 (D.D.C. 1982).
(639)	(b)(4)	Hawaiian International Shipping Corp. v. Department of the Navy, 2 GDS ¶81,269 (D.D.C. 1981), subsequent decision, 2 GDS ¶81,273 (D.D.C. 1981).
(640)	(b)(2)	Hawkes v. IRS, 71-2 U.S.T.C. ¶9640 (W.D. Tenn. 1971), rev'd & remanded, 467 F.2d 787 (6th Cir. 1972), on remand, No. C-70-409 (W.D. Tenn. 1973), aff'd, 507 F.2d 481 (6th Cir. 1974).
(641)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, Vaughn index	Hayden v. CIA, No. 76-284 (D.D.C. 1976), remanded, No. 77-1894 (D.C. Cir. 1978), on remand, 1 GDS ¶80,065 (D.D.C. 1980), on motion for attorney's fees, 3 GDS ¶82,279 (D.D.C. 1982).
(642)	(a)(4)(C), (a)(6)(A), (a)(6)(B), (a)(6)(C)	Hayden v. DOJ, 413 F. Supp. 1285 (D.D.C. 1976).
(643)	(b)(1), (b)(3), 50 U.S.C. §402, in camera inspection, Vaughn index	Hayden v. NSA, 452 F. Supp. 247 (D.D.C. 1978), aff'd, 608 F.2d 1381 (D.C. Cir. 1979), cert. denied, 446 U.S. 937 (1980).
(644)	(b)(2), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Hayward v. DOJ, 2 GDS ¶81,231 (D.D.C. 1981).
(645)	(b)(2), (b)(7)(C), (b)(7)(F)	Hayward v. DOJ, 2 GDS ¶82,230 (D.D.C. 1982).
(646)	(b)(2), (b)(7)(C), (b)(7)(D), duty to search, proper party defendant	Headley v. FBI, No. 75-3200-DWW (C.D. Cal. 1976).
(647)	Agency	Health Systems Medical Supply, Inc. v. Blue Cross-Blue Shield of Alabama, No. CA-77-P-0988-NE (N.D. Ala. 1977).
(648)	(b)(2), (b)(3), 26 U.S.C. §6103, (b)(4), (b)(5), (b)(7)(C), (b)(7)(D), status of plaintiff	Hearnes v. IRS, 44 A.F.T.R. 2d 79-5594 (E.D. Mo. 1979).
(649)	Exhaustion of administrative remedies	Hedley v. United States, 594 F.2d 1043 (5th Cir. 1979).
(650)	(b)(1), E.O. 11652, (b)(2), (b)(7)(C), (b)(7)(D), proper party defendant	Heifler v. FBI, No. CV-78-1670-MML (C.D. Cal. 1978).
(651)	(b)(6), FOIA/PA interface	Heights Community Congress v. VA, 3 GDS ¶82,284 (N.D. Ohio 1982).

(652)	Exhaustion of administrative remedies, fee waiver	Heimerle v. DOJ, 3 GDS ¶82,261 (D.D.C. 1982).
(653)	No record within scope of request	Heimerle v. Fiske, No. 78-Civ-1388-(WCC) (S.D.N.Y. 1979).
(654)	(b)(6), (b)(7)(C), agency records, attorney's fees	Heimerle v. U.S. Attorney General, No. 79-2354 (D.D.C. 1980), on motion for attorney's fees, 1 GDS ¶80,023 (D.D.C. 1980).
(655)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), assurance of confidentiality	Heimerle v. United States Secret Service, No. 78-2015 (D.D.C. 1979).
(656)	(b)(3), 5 U.S.C. §552a(j)(2), 5 U.S.C. §552a(k)(2), FOIA/PA interface	Heinzl v. INS, No. C-80-1210-SAW (N.D. Cal. 1981).
(657)	Attorney's fees	Henry v. HEW, 2 GDS ¶81,085 (D. Colo. 1980).
(658)	Res judicata	Hensley v. DOJ, 3 GDS ¶82,343 (S.D. Ohio 1981).
(659)	(b)(2), (b)(3), 18 U.S.C. §2510, (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F)	Hensley v. DEA, 3 GDS ¶82,342 (S.D. Ohio 1981) (magistrate's report adopted).
(660)	(b)(6)	Herman v. Middendorf, No. 75-1246 (D.D.C. 1975).
(661)	(b)(5), (b)(7)(A), in camera inspection	Heublein v. FTC, 457 F. Supp. 52 (D.D.C. 1978).
(662)	(b)(2)	Hicks v. Freeman, 397 F.2d 193 (4th Cir. 1968), cert. denied, 393 U.S. 1064 (1969).
(663)	Exhaustion of administrative remedies	Hicks v. Hanberry, No. C-78-1044A (N.D. Ga. 1978).
(664)	(b)(2), (b)(3), 50 U.S.C. §403, (b)(6), in camera inspection, reasonably segregable	Higgs v. CIA, No. 76-884 (D.D.C. 1977).
(665)	Exceptional circumstances/due diligence	Hinton v. FBI, 527 F. Supp. 223 (E.D. Pa. 1981).
(666)	Attorney's fees	Hiranport Co. v. Department of the Treasury, No. 79-4558 (9th Cir. 1980).
(667)	(b)(6)	Hiss v. DOJ, 441 F. Supp. 69 (S.D.N.Y. 1977).
(668)	(b)(6)	HMG Marketing Associates v. Freeman, 523 F. Supp. 11 (S.D.N.Y. 1980).
(669)	(a)(2)	Hodge v. Alexander, No. 77-288 (D.D.C. 1977).

(670)	Proper service of process	Hodge v. Rostker, 501 F. Supp. 332 (D.D.C. 1980).
(671)	(b)(5), (b)(7), discovery/FOIA interface	Hodgson v. Carl Roessler, Inc., 70 Lab. Cas. (CCH) ¶32,849 (D. Conn. 1973).
(672)	(b)(7), FOIA as a discovery tool, investigatory records	Hodgson v. General Motors Acceptance Corp., 54 F.R.D. 445 (S.D. Fla. 1972).
(673)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), (b)(6), in camera inspection	Hofmann v. CIA, 2 GDS ¶81,339 (D.D.C. 1981).
(674)	(a)(2), (b)(2), (b)(5)	Hogan v. United States, No. 73-1385 (S.D. Fla. 1974).
(675)	Publication	Hogg v. United States, 428 F.2d 274 (6th Cir. 1970).
(676)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Holiday Inns, Inc. v. Kleppe, 40 Ad. L.2d (P&F) 66 (W.D. Tenn. 1976).
(677)	(b)(7)	Holiday Magic, Inc. v. FTC, 32 Ad. L.2d (P&F) 703 (D.D.C. 1973).
(678)	(b)(1), (b)(2), (b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(6), (b)(7)(C), (b)(7)(D)	Hollander v. Kelley, No. 77-204-M (D.N.M. 1978).
(679)	(a)(4)(F), (b)(6), (b)(7)(C), attorney's fees, pro se litigant, disciplinary proceedings	Holly v. Acree, No. 75-2116 (D.D.C. 1973), on motion for attorney's fees, 72 F.R.D. 115 (D.D.C. 1976), aff'd mem. sub nom. Holly v. Chasen, 569 F.2d 160 (D.C. Cir. 1977), on motion for attorney's fees, No. 75-2116 (D.D.C. 1979), rev'd, 639 F.2d 795 (D.C. Cir. 1981).
(680)	(b)(3), 26 U.S.C. §6103	Holmes v. IRS, 1 GDS ¶80,196 (C.D. Cal. 1980).
(681)	(b)(1), (b)(3), 50 U.S.C. §403, adequacy of agency affidavit, agency records (Congressional records not agency records), in camera inspection, in camera affidavit, referral of request to another agency	Holy Spirit Ass'n v. CIA, No. 79-0151 (D.D.C. 1979), aff'd in part, rev'd in part, 636 F.2d 838 (D.C. Cir. 1980), cert. granted, vacated in part & remanded, 102 S.Ct. 1626 (1982).
(682)	(b)(1), (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), investigatory records, law enforcement purpose, similar files	Holy Spirit Ass'n v. FBI, 2 GDS ¶82,235 (D.D.C. 1981), subsequent decision, 2 GDS ¶82,236 (D.D.C. 1981), on motion for reconsideration, 2 GDS ¶82,237 (D.D.C. 1981), aff'd, 683 F.2d 562 (D.C. Cir. 1982) (per curiam).

(683)	(b)(1), E.O. 12065, (b)(3), 8 U.S.C. §1202(f), 50 U.S.C. §403g, (b)(6), similar files, adequacy of agency affidavit, in camera inspection	Holy Spirit Ass'n v. Department of State, 526 F. Supp. 1022 (S.D.N.Y. 1981).
(684)	Reverse FOIA	Honeywell Information Systems, Inc. v. Andrus, No. 77-2018 (D.D.C. 1978).
(685)	Reverse FOIA, (b)(4), discretionary release	Honeywell Information Systems, Inc. v. NASA, Nos. 76-353, 76-377 (D.D.C. 1976).
(686)	(b)(5), (b)(7)(A)	Hook Drugs v. NLRB, 91 L.R.R.M. 2797 (S.D. Ind. 1976).
(687)	(b)(5), FOIA as a discovery tool	Hoover v. Department of the Interior, 611 F.2d 1132 (5th Cir. 1980).
(688)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Hospital Affiliates International, Inc. v. Califano, No. 78-226-CIV-J-S (M.D. Fla. 1978).
(689)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, nexus test	Hospital Affiliates International, Inc. v. Califano, 1 GDS ¶79,152 (N.D. Ill. 1979).
(690)	(b)(5), (b)(6), (b)(7)(C)	Howard Johnson, Co. v. NLRB, 444 F. Supp. 843 (E.D. Mich. 1977), rev'd, 618 F.2d 1 (6th Cir. 1980).
(691)	Injunction of agency proceeding pending resolution of FOIA claim	Howard Johnson Restaurant, Inc. v. NLRB, 95 L.R.R.M. 2471 (W.D.N.Y. 1977).
(692)	(b)(5), executive privilege	Howdyshell v. Department of the Navy, 3 GDS ¶82,341 (S.D. Ohio 1981).
(693)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403(d)(3), §403g, adequacy of agency affidavit, in camera inspection	Hrones v. CIA, 2 GDS ¶82,133 (D. Mass. 1981), summary judgment granted, 3 GDS ¶82,456 (D. Mass. 1981), aff'd, 685 F.2d 13 (1st Cir. 1982).
(694)	Agency records	Hrynko v. Crawford, 402 F. Supp. 1083 (E.D. Pa. 1975).
(695)	(b)(5), executive privilege	Huber, Hunt & Nichols, Inc. v. GSA, No. 77-1709 (D.D.C. 1978).
(696)	(b)(3), 26 U.S.C. §6103, burden of proof, in camera inspection	Huff v. IRS, 45 A.F.T.R. 2d 80-5842, 2 GDS ¶81,051 (D. Ala. 1980).
(697)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000(e), (b)(4)	Hughes Aircraft Co. v. Schlesinger, 384 F. Supp. 292 (C.D. Cal. 1974).
(698)	Attorney's fees	Hull v. Civil Service Comm'n, No. C-77-577 A (N.D. Ga. 1978).

(699)	(b)(3), 26 U.S.C. §6103, (b)(7)(A)	Hulsey v. IRS, 497 F. Supp. 617 (N.D. Tex. 1980).
(700)	(a)(1)	Human Resources Management, Inc. v. Weaver, 442 F. Supp. 241 (D.D.C. 1978).
(701)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Humana of Virginia, Inc. v. Blue Cross of Va., 455 F. Supp. 1174 (E.D. Va. 1978), rev'd & remanded, 622 F.2d 76 (4th Cir. 1980).
(702)	Attorney's fees, exhaustion of administrative remedies, fee waiver, pro se litigant	Humphrey v. DOJ, 3 GDS ¶82,283 (W.D. Okla. 1981).
(703)	(b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(6), attorney's fees	Hunt v. CIA, No. 78-146-A (E.D. Va. 1978).
(704)	(b)(3), 7 U.S.C. §12, (b)(5), (b)(7)(A)	Hunt v. Commodities Futures Trading Comm'n, 484 F. Supp. 47 (D.D.C. 1979).
(705)	(b)(1), (b)(4), (b)(5), (b)(6)	Hunt v. Department of State, 1 GDS ¶81,060 (D.D.C. 1981).
(706)	Discovery in FOIA litigation, Fed.R. Civ.Pro. 34	Hurt v. United States, No. 72-3183 (9th Cir. 1974).
(707)	(b)(7)	Hyde Park Products Corp. v. Acree, No. 75-Civ-2713 (S.D.N.Y. 1975).
(708)	(b)(1), (b)(3), 26 U.S.C. §6103(a), 50 U.S.C. §403(d)(3), Fed.R.Crim.Pro. 6(e), (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), agency records (Congressional records not agency records), attorney work-product privilege, in camera inspection, reasonably segregable	Iglesias v. CIA, 525 F. Supp. 547 (D.D.C. 1981), supplemental order, No. 80-2276 (D.D.C. 1982).
(709)	Agency	Independent Investor Protective League v. New York Stock Exchange, 367 F. Supp. 1376 (S.D.N.Y. 1973).
(710)	(b)(4), attorney's fees, attorney work-product privilege, promise of confidentiality	Indian Law Resource Center v. Department of the Interior, 477 F. Supp. 144 (D.D.C. 1979), on motion for attorney's fees, 2 GDS ¶81,197 (D.D.C. 1981).
(711)	(b)(5), (b)(6), (b)(7)(C), proper party defendant	Information Acquisition Corp. v. DOJ, No. 77-839 (D.D.C. 1979).

(712)	(b)(6), (b)(7)(C), exhaustion of administrative remedies, Vaughn index	Information Acquisition Corp. v. DOJ, 444 F. Supp. 458 (D.D.C. 1978).
(713)	(b)(5), (b)(6), (b)(7)(C), executive privilege	Information Acquisition Corp. v. DOJ, No. 77-0884 (D.D.C. 1981).
(714)	Exhaustion of administrative remedies, failure to meet time limits, fees	Information Acquisition Corp. v. Department of State, No. 77-0921 (D.D.C. 1977).
(715)	(b)(7)(C), (b)(7)(D), duty to disclose, in camera inspection	Ingle v. DOJ, 2 GDS ¶81,238 (M.D. Tenn. 1981), subsequent decision, 2 GDS ¶81,239 (M.D. Tenn. 1981).
(716)	FOIA as a discovery tool	In re Halkin, 598 F.2d 176 (D.C. Cir. 1979).
(717)	Fed.R.Civ.Pro. 34	In re Franklin National Bank Securities, Ltd., 478 F. Supp. 577 (E.D.N.Y. 1979).
(718)	(b)(3), Fed.R.Crim. Pro. 6(e)	In re Grand Jury Investigation of Uranium Industry, 510 F. Supp. 1047 (D.D.C. 1979).
(719)	(a)(4), (b)(7)	In re Grand Jury Witness Subpoenas, 370 F. Supp. 1282 (S.D. Fla. 1974).
(720)	Duty to disclose	In re Irving, 600 F.2d 1027 (2d Cir. 1979), cert. denied, 444 U.S. 866 (1979).
(721)	(b)(5), (b)(7)(A)	In re LTV Securities Litigation, 89 F.R.D. 595 (N.D. Tex. 1981).
(722)	Attorney-client privilege, attorney work-product privilege, in camera inspection	In re Special September 1978 Grand Jury, 640 F.2d 49 (7th Cir. 1980).
(723)	(b)(7)	Institute for Weight Control, Inc. v. Klassen, 348 F. Supp. 1304 (D.N.J. 1972), aff'd mem., 474 F.2d 1338 (3d Cir. 1973).
(724)	(b)(4), FOIA as a discovery tool	Instrument Systems Corp. v. United States, 546 F.2d 357 (Ct. Cl. 1976).
(725)	Discretionary release, (b)(3), 18 U.S.C. §1905	Interco, Inc. v. FTC, No. 78-929-C-3 (E.D. Mo. 1979) (case transferred to D.D.C., No. 78-2486), 478 F. Supp. 103 (D.D.C. 1979), remanded, No. 79-1423 (D.C. Cir. 1979), on remand, 490 F. Supp. 39 (D.D.C. 1979).
(726)	Agency records	International Brotherhood of Teamsters v. National Mediation Board, 2 GDS ¶81,276 (D.D.C. 1981).

(727)	(b)(5)	International Paper Co. v. Federal Power Comm'n, 438 F.2d 1349 (2d Cir. 1971), cert. denied, 404 U.S. 827 (1971).
(728)	Privacy Act access, (b)(7), (b)(7)(D), adequacy of agency affidavit, burden of proof, in camera inspection, law enforcement purpose	Irons v. Levi, 451 F. Supp. 751 (D. Mass. 1978), rev'd sub nom. Irons v. Bell, 596 F.2d 468 (1st Cir. 1979), on remand sub nom. Irons v. Civiletti, No. 76-963-S (D. Mass. 1980).
(729)	(b)(3), 35 U.S.C. §122, (b)(4), adequacy of request, agency records, reasonably segregable	Irons v. Schuyler, 321 F. Supp. 628 (D.D.C. 1970), aff'd in part, rev'd in part & remanded, 465 F.2d 608 (D.C. Cir. 1972), cert. denied, 409 U.S. 1076 (1972), on remand sub nom. Irons v. Gottschalk, 369 F. Supp. 403 (D.D.C. 1974), remanded, 548 F.2d 992 (D.C. Cir. 1976), cert. denied, 434 U.S. 965 (1977), on remand sub nom. Irons v. Diamond, No. 70-0075 (D.D.C. 1980), aff'd in part, rev'd in part & remanded, 670 F.2d 265 (D.C. Cir. 1981), dismissed sub nom. Irons v. Mossinghoff, 3 GDS ¶82,382 (D.D.C. 1982).
(730)	(b)(4)	Irons & Sears v. Chasen, No. 78-2372 (D.D.C. 1979).
(731)	(b)(3), 35 U.S.C. §122	Irons & Sears v. Dann, 606 F.2d 1215 (D.C. Cir. 1979), cert. denied, 444 U.S. 1075 (1980).
(732)	Agency	Irwin Memorial Blood Bank v. American National Red Cross, 640 F.2d 1051 (9th Cir. 1981).
(733)	(b)(5), (b)(7)(A), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim	ITT American Electric v. NLRB, 92 L.R.R.M. 2815 (N.D. Miss. 1976).
(734)	(b)(7)(A)	ITT Continental Baking Co. v. FTC, 40 Ad.L.2d (P&F) 183 (D.D.C. 1976).
(735)	(b)(4), (b)(5)	ITT Gilfillan, Inc. v. Froehlke, No. 73-416 (D.D.C. 1973).
(736)	(b)(5), attorney-client privilege, executive privilege	ITT World Communications v. FCC, 1 GDS ¶80,260 (D.D.C. 1980), amended, 1 GDS ¶81,045 (D.D.C. 1980).
(737)	Vaughn index	Iverson v. Department of State, 2 GDS ¶81,065 (D.D.C. 1981).
(738)	(b)(3), 26 U.S.C. §6103, §6110, duty to search	IU International Corp. v. Maritime Administration, No. 77-0498 (D.D.C. 1977).

(739)	(b)(1), E.O. 12065, (b)(2), (b)(7)(C), adequacy of agency affidavit, de novo review, in camera affidavit, in camera inspection	Jaffe v. CIA, No. 76-1394 (D.D.C. 1977), on motion for attorney's fees, 1 GDS ¶79,157 (D.D.C. 1979), subsequent decision, 516 F. Supp. 576 (D.D.C. 1981), limited enlargement of time granted, 520 F. Supp. 124 (D.D.C. 1981).
(740)	(b)(3), 26 U.S.C. §6103, Fed.R.Crim. Pro. 6(e)	Jaffe v. IRS, 47 A.F.T.R. 2d 81-1109, 2 GDS ¶81,191 (S.D. Fla. 1981).
(741)	Exhaustion of administrative remedies	Jaffess v. Secretary, HEW, 393 F. Supp. 626 (S.D.N.Y. 1975).
(742)	(b)(5), (b)(7)(A)	Jamco International, Inc. v. NLRB, 91 L.R.R.M. 2446 (N.D. Okla. 1976).
(743)	Equitable discretion, status of plaintiff	Javelin International, Ltd. v. DOJ, 2 GDS ¶82,141 (D.D.C. 1981).
(744)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, agency records, promise of confidentiality	Jaymar-Ruby, Inc. v. FTC, 496 F. Supp. 838 (N.D. Ind. 1980), aff'd, 651 F.2d 506 (7th Cir. 1981).
(745)	Mootness	Jenkins v. Robinson, No. 80-Civ-2344 (S.D.N.Y. 1980).
(746)	Exhaustion of administrative remedies	Jenks v. United States Marshals Service, 514 F. Supp. 1383 (S.D. Ohio 1981).
(747)	(b)(7)(A), (b)(7)(C), Vaughn index	Jenks v. United States Secret Service, 517 F. Supp. 307 (S.D. Ohio 1981).
(748)	Fee waiver	Jester v. DOJ, 1 GDS ¶81,027 (D.D.C. 1979).
(749)	(b)(5), commercial privilege, adequacy of agency affidavit	Johannson v. DOJ, 2 GDS ¶81,079 (D.D.C. 1981).
(750)	(b)(3), Fed.R.Crim. Pro. 6(e), attorney's fees, referral of request to another agency	Johnson v. DOJ, No. 77-2092 (E.D. La. 1978).
(751)	(b)(7), (b)(7)(D), in camera inspection, law enforcement purpose, reasonably segregable	Johnson v. DOJ, 2 GDS ¶82,041 (D. Or. 1980).
(752)	(b)(4), attorney's fees, in camera inspection	Johnson v. HEW, 462 F. Supp. 336 (D.D.C. 1978), on motion for attorney's fees, No. 77-2013 (D.D.C. 1980).
(753)	Adequacy of request, no record within scope of request	Jonak v. CIA, No. 81-1594 (4th Cir. 1982).
(754)	Attorney's fees, pro se litigant	Jones v. United States Secret Service, 81 F.R.D. 700 (D.D.C. 1979).

(755)	(a)(2), (b)(2), (b)(5), (b)(7)(E), attorney work-product privilege, attorney's fees, interaction of (a)(2) & (a)(3)	Jordan v. DOJ, No. 76-0276 (D.D.C. 1977), aff'd on other grounds, 591 F.2d 753 (D.C. Cir. 1978), attorney's fees denied, 89 F.R.D. 537 (D.D.C. 1981).
(756)	Reverse FOIA, (b)(7), waiver of exemption (failure to assert in litigation)	Jos. Schlitz Brewing Co. v. SEC, 2 GDS ¶82,203 (D.D.C. 1982), stay denied, 2 GDS ¶82,246 (D.D.C. 1982), aff'd, No. 82-1256 (D.C. Cir. 1982).
(757)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Joseph Horne Co. v. NLRB, 455 F. Supp. 1383 (W.D. Pa. 1978).
(758)	Exhaustion of administrative remedies	J.P. Stevens Employees Educational Committee v. NLRB, 582 F.2d 326 (4th Cir. 1978).
(759)	(b)(3), 26 U.S.C. §6103, burden of proof	Juliano v. IRS, No. C-78-1070-A (N.D. Ga. 1979).
(760)	(b)(5), attorney-client privilege, discovery/FOIA interface	Jupiter Painting Contracting Co. v. United States, 87 F.R.D. 593 (E.D. Pa. 1980).
(761)	(b)(4), (b)(5), (b)(6)	Kall v. SBA, 3 GDS ¶82,325 (N.D.N.Y. 1981).
(762)	(b)(7)(A), (b)(7)(C), (b)(7)(D), agency records, in camera inspection	Kaminer v. NLRB, 90 L.R.R.M. 2269 (S.D. Miss. 1975).
(763)	Duty to disclose, exhaustion of administrative remedies	Kaminskas v. DOJ, No. H-76-511 (D. Conn. 1978).
(764)	Exhaustion of administrative remedies	Kaminski v. Civil Service Comm'n, No. 75-458 (N.D.N.Y. 1977).
(765)	(b)(1), E.O. 12065, (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(E), in camera inspection	Kanter v. Department of State, 479 F. Supp. 921 (D.D.C. 1979).
(766)	(b)(2), (b)(3), 26 U.S.C. §6103, (b)(5), (b)(7), (b)(7)(A), (b)(7)(C), burden of proof, investigatory records, Vaughn index	Kanter v. IRS, 433 F. Supp. 812 (N.D. Ill. 1977), dismissed, 478 F. Supp. 552 (N.D. Ill. 1979).
(767)	(b)(3), 26 U.S.C. §6103, Fed.R.Crim. Pro. 6(e), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)	Kanter v. IRS, 496 F. Supp. 1004 (N.D. Ill. 1980).
(768)	(b)(2), (b)(7)(C), (b)(7)(D), attorney's fees	Katz v. DOJ, 498 F. Supp. 177 (S.D. N.Y. 1979).

(769)	(b)(7), (b)(8), attorney's fees, mootness	Kaye v. Burns, 411 F. Supp. 897 (S.D.N.Y. 1976).
(770)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Kazonis v. Bell, 1 GDS ¶79,189 (D.D.C. 1979).
(771)	No record within scope of request	Kazonis v. Stutely, 1 GDS ¶79,113 (D.D.C. 1979).
(772)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), duty to search, proper party defendant	Keeney v. FBI, No. H-76-396 (D. Conn. 1979), rev'd & remanded, 630 F.2d 114 (2d Cir. 1980), on remand (D. Conn. 1982).
(773)	In camera inspection, proper party defendant	Kellogg Co. v. FTC, 2 GDS ¶81,301 (D.D.C. 1981).
(774)	(b)(1), (b)(7)(C), (b)(7)(D), agency	Kelly v. FBI, 2 GDS ¶82,059 (D.D.C. 1981).
(775)	(a)(2)(A), (a)(2)(B), (a)(2)(C), (b)(5)	Kent Corp. v. NLRB, No. 73-M-1090 (N.D. Ala. 1974), rev'd, 530 F.2d 612 (5th Cir. 1976), cert. denied, 429 U.S. 920 (1976).
(776)	(b)(3), 26 U.S.C. §6103, (b)(7)(C), (b)(7)(D), (b)(7)(E), reasonably segregable, Vaughn index	Kerner v. Department of the Treasury, 1 GDS ¶79,228 (D.D.C. 1979), supplemental Vaughn index ordered, 1 GDS ¶80,261 (D.D.C. 1980), on motion for summary judgment, 1 GDS ¶80,244 (D.D.C. 1980).
(777)	Agency, FOIA as a discovery tool	Kerr v. United States Dist. Ct. for N.D. of Cal., 511 F.2d 192 (9th Cir. 1975), aff'd on other grounds, 426 U.S. 364 (1976).
(778)	Mootness	Kight v. United States Postal Service, No. 78-149-Civ-JAG (S.D. Fla. 1979).
(779)	Jurisdiction	King v. Califano, 471 F. Supp. 180 (D.D.C. 1979).
(780)	Vaughn index	King v. DOJ, 2 GDS ¶81,277 (D.D.C. 1981).
(781)	Duty to search, no record within scope of request	King v. FBI, 3 GDS ¶82,324 (N.D. Ill. 1981).
(782)	(b)(3), 26 U.S.C. §6103, (b)(5), attorney-client privilege, executive privilege	King v. IRS, 2 GDS ¶82,113 (N.D. Ill. 1981), rev'd, 684 F.2d 517 (7th Cir. 1982).
(783)	(b)(3), 26 U.S.C. §6103, adequacy of request	King v. IRS, 49 A.F.T.R. 2d 82-403, 2 GDS ¶82,097 (N.D. Ill. 1981), rev'd, ___ F.2d ___ (7th Cir. Sept. 10, 1982) (No. 81-2137).
(784)	(b)(1), in camera inspection	Klaus v. Blake, 428 F. Supp. 37 (D.D.C. 1976).

(785)	(b)(1), (b)(3)	Klaus v. NSC, No. 75-1093 (D.D.C. 1976).
(786)	Duty to search	Kleinbart v. Secretary, HEW, 1 GDS ¶80,062 (D.D.C. 1980).
(787)	(b)(5), (b)(7), law enforcement purpose	Koch v. DOJ, 376 F. Supp. 313 (D.D.C. 1974).
(788)	Privacy Act access, exhaustion of administrative remedies, FOIA/PA interface, proper party defendant, failure to meet time limits, Vaughn index	Kotmair v. IRS, 47 A.F.T.R. 2d 81-985, 2 GDS ¶81,122 (D. Md. 1981).
(789)	(b)(7)(A), mootness	Kramer v. Antitrust Division, 40 Ad.L.2d (P&F) 7 (D.D.C. 1976).
(790)	(b)(4), (b)(5), (b)(6), in camera inspection	Kreindler v. Department of the Navy, 363 F. Supp. 611 (S.D.N.Y. 1973), on motion for summary judgment, 372 F. Supp. 333 (S.D.N.Y. 1974).
(791)	(b)(7)(C), (b)(7)(D), FOIA as a discovery tool	Kreitlow v. DOJ, No. 80-2754 (D.D.C. 1981).
(792)	(b)(1), E.O. 12065, (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, in camera inspection, waiver of exemption (administrative release)	Krohn v. DOJ, 1 GDS ¶80,053 (D.D.C. 1980).
(793)	(b)(5), (b)(7)(C), adequacy of agency affidavit, agency records, discovery/ FOIA interface, duty to search, Vaughn index	Krohn v. DOJ, 2 GDS ¶82,155 (D.D.C. 1981).
(794)	(b)(5), in camera inspection	Krohn v. DOJ, No. 78-1535 (D.D.C. 1979).
(795)	Adequacy of request, duty to create a record, no record within scope of request	Krohn v. DOJ, No. 78-1311 (D.D.C. 1979), aff'd, 628 F.2d 195 (D.C. Cir. 1980).
(796)	Agency records (judicial branch records not agency records)	Kros v. DOJ, 2 GDS ¶82,138 (D. Conn. 1980).
(797)	(b)(1)	Kruh v. GSA, 61 F.R.D. 1 (E.D.N.Y. 1974).
(798)	(b)(3), 49 U.S.C. §1504	Kruh v. GSA, 421 F. Supp. 965 (E.D. N.Y. 1976).

(799)	(b)(2), (b)(7), (b)(7)(C), (b)(7)(D), investigatory records, law enforcement purpose, Vaughn index	Kuehnert v. Webster, 472 F. Supp. 362 (E.D. Mo. 1979), aff'd in part, rev'd in part & remanded, 620 F.2d 662 (8th Cir. 1980).
(800)	(b)(6), similar files	Kurzon v. HHS, 649 F.2d 65 (1st Cir. 1981).
(801)	(a)(1), publication	Lambert v. Sperry Road Corp., 8 Empl. Prac. Dec. (CCH) ¶9819 (W.D. La. 1974).
(802)	(b)(7)(C), (b)(7)(D), in camera affidavit, assurance of confidentiality, Vaughn index	Lame v. DOJ, No. 79-4047 (E.D. Pa. 1980), rev'd & remanded, 654 F.2d 917 (3d Cir. 1981), rehearing denied, No. 80-2458 (3d Cir. 1981).
(803)	(b)(1), E.O. 12065, (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(E), burden of proof, summary judgment	Lamont v. DOJ, 475 F. Supp. 761 (S.D. N.Y. 1979), supplemental decision, No. 76-CIV-3092 (S.D.N.Y. 1979), aff'd in part, rev'd in part, No. 81-6078 (2d Cir. 1981).
(804)	(b)(7)	LaMorte v. Mansfield, 438 F.2d 448 (2d Cir. 1971).
(805)	(b)(5), duty to search	Lane v. EPA, 2 GDS ¶81,221 (D.D.C. 1981).
(806)	Reverse FOIA, (b)(1), (b)(6), (b)(7)(C), (b)(7)(D), attorney's fees, failure to meet time limits	Larouche v. FBI, No. 75-Civ-6010 (S.D. N.Y. 1977), subsequent decision sub nom. Larouche v. Kelley (S.D.N.Y. 1979), upon in camera inspection, 522 F. Supp. 425 (S.D.N.Y. 1981), rev'd & remanded, 677 F.2d 256 (2d Cir. 1982).
(807)	Privacy Act access	Larry v. Lawler, 413 F. Supp. 185 (N.D. Ill. 1977), rev'd, 605 F.2d 954 (7th Cir. 1978).
(808)	Attorney's fees	LaSalle Extension University v. FTC, No. 77-0002 (D.D.C. 1979), aff'd, 627 F.2d 481 (D.C. Cir. 1980).
(809)	(b)(5), waiver of exemption (administrative release), waiver of exemption (unauthorized release)	Lasker-Goldman Corp. v. GSA, 2 GDS ¶81,125 (D.D.C. 1981).
(810)	Agency records, Vaughn index	LaVerde v. HUD, No. 81-1260 (D. Mass. 1981).
(811)	(b)(5), discovery in FOIA litigation, in camera inspection, reasonably segregable	Lead Industries Ass'n v. OSHA, 471 F. Supp. 155 (S.D.N.Y. 1979), aff'd in part, rev'd in part, 610 F.2d 70 (2d Cir. 1979).
(812)	(b)(5), (b)(7)(D), assurance of confidentiality	Leavitt v. Department of Labor, 2 GDS ¶82,158 (C.D. Cal. 1979), aff'd, 2 GDS ¶82,160 (9th Cir. 1981) (consolidated).

(813)	(b)(5), (b)(7)(D), assurance of confidentiality	Leavitt v. FBI, 2 GDS ¶82,159 (C.D. Cal. 1979), aff'd, 2 GDS ¶82,160 (9th Cir. 1981) (consolidated).
(814)	(b)(3), 35 U.S.C. §122	Lee Pharmaceuticals v. Kreps, 577 F.2d 610 (9th Cir. 1978), cert. denied, 439 U.S. 1073 (1979).
(815)	(b)(3), 42 U.S.C. §2000, (b)(4), (b)(7)	Legal Aid Society of Alameda County v. Shultz, 349 F. Supp. 771 (N.D. Cal. 1972).
(816)	Improper withholding	Legal Times of Washington, Inc. v. FDIC, 1 GDS ¶80,234 (D.D.C. 1980).
(817)	(b)(6), (b)(7)(A), (b)(7)(C)	L'Eggs Products, Inc. v. NLRB, 93 L.R.R.M. 2488 (C.D. Cal. 1976).
(818)	Injunction of agency proceeding pending resolution of FOIA claim	Lennon v. Richardson, 378 F. Supp. 39 (S.D.N.Y. 1974).
(819)	(b)(1), E.O. 11652, (b)(2), (b)(7), (b)(7)(C), (b)(7)(D), investigatory records, law enforcement purpose, leaks, belated classification	Lesar v. DOJ, 455 F. Supp. 921 (D.D.C. 1978), aff'd, 636 F.2d 472 (D.C. Cir. 1980).
(820)	(b)(1), (b)(3), 8 U.S.C. §1202(f), 50 U.S.C. §403(d)(3), (b)(5), (b)(7)(C), (b)(7)(D), agency records (Congressional records not agency records, attorney's fees, discovery in FOIA litigation, executive privilege	Letelier v. DOJ, 1 GDS ¶80,252 (D.D.C. 1980), subsequent decision, 3 GDS ¶82,257 (D.D.C. 1982).
(821)	(b)(4), (b)(6), similar files	Levine v. Treasury, 34 Ad.L.2d (P&F) 633 (S.D. Fla. 1974).
(822)	(b)(7), (b)(7)(A), law enforcement purpose	Levy v. IRS, 531 F. Supp. 485 (S.D. Fla. 1982).
(823)	(b)(1), (b)(7)(C), (b)(7)(D), duty to search	Levy v. Knight, No. 78-0307 (D.D.C. 1978).
(824)	Injunction of agency proceeding pending resolution of FOIA claim	Lewis v. Reagan, 660 F.2d 124 (5th Cir. 1981).
(825)	(a)(1)(D), publication	Lewis v. Weinberger, 415 F. Supp. 652 (D.N.M. 1976).
(826)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(C), (b)(7)(E)	Librach v. FBI, 587 F.2d 372 (8th Cir. 1978), cert. denied, 440 U.S. 910 (1979).

(827)	Duty to search	Lieb v. VA, 2 GDS ¶82,209 (D.D.C. 1982), summary judgment granted, No. 81-1224 (D.D.C. 1982).
(828)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(5), (b)(6), summary judgment	Liechty v. CIA, No. 79-2064 (D.D.C. 1981).
(829)	(b)(7)(C), in camera inspection	Lincoln National Bank v. DOJ, No. 76-C-4531 (7th Cir. 1979).
(830)	Adequacy of request, FOIA as a discovery tool	Lincoln National Bank v. Lampe, 421 F. Supp. 346 (N.D. Ill. 1976).
(831)	(b)(1, (b)(2), (b)(7), (b)(7)(C), (b)(7)(E), law enforcement purpose	Linebarger v. FBI, No. C-76-1826-WWS (N.D. Cal. 1977).
(832)	(b)(5), attorney work-product privilege	Linker v. Hills, 453 F. Supp. 556 (S.D.N.Y. 1978).
(833)	(b)(5), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool	Lloyd & Henniger v. Marshall, 526 F. Supp. 485 (M.D. Fla. 1981).
(834)	Privacy Act access, (b)(3), 26 U.S.C. §6103, (b)(7)(A), (b)(7)(C), (b)(7)(D), attorney's fees, in camera inspection	Lobosco v. IRS, 42 A.F.T.R. 2d 78-5630 (E.D.N.Y. 1978), on motion for attorney's fees, No. 77-Civ-1464 (E.D.N.Y. 1981), subsequent decision, 2 GDS ¶81,207 (E.D.N.Y. 1981).
(835)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Local 30, AFL-CIO v. NLRB, 408 F. Supp. 520 (E.D. Pa. 1976).
(836)	(b)(5), (b)(7)(A), (b)(7)(C)	Local 32, AFL-CIO v. Irving, 91 L.R.R.M. 2513 (W.D. Wash. 1976).
(837)	(b)(7)(A)	Local Unions Nos. 836 & 792 v. NLRB, 446 F. Supp. 1037 (E.D. Wis. 1978).
(838)	Agency	Lombardo v. Handler, 397 F. Supp. 792 (D.D.C. 1975), aff'd, 546 F.2d 1043 (D.C. Cir. 1976), cert. denied, 431 U.S. 932 (1977).
(839)	Privacy Act access, assurance of confidentiality, FOIA/PA interface	Londrigan v. FBI, No. 78-1360 (D.D.C. 1979), rev'd & remanded, 670 F.2d 1164 (D.C. Cir. 1981).
(840)	(a)(4)(B), (a)(4)(C), (a)(4)(D), (b)(3), 26 U.S.C. §6103, jurisdiction, summary judgment	Long v. Bureau of Economic Analysis, 2 GDS ¶81,063 (W.D. Wash. 1981), aff'd & remanded to determine attorney's fees, 646 F.2d 1310 (9th Cir. 1981), vacated & remanded, 450 U.S. 1301 (1981), remanded to determine attorney's fees, 3 GDS ¶82,286 (9th Cir. 1982).
(841)	Fee waiver	Long v. DOJ, No. 79-169-N (N.D. Ala. 1979).

(842)	(b)(3), 26 U.S.C. §6103, duty to create a record, equitable discretion, fees, reasonably segregable, waiver of exemption (failure to assert in litigation)	Long v. IRS, No. C-75-228S (W.D. Wash. 1976), rev'd, 596 F.2d 362 (9th Cir. 1979), rehearing en banc denied, No. 76-3734 (9th Cir. 1979), cert. denied, 446 U.S. 917 (1980), on remand, 3 GDS ¶82,435 (W.D. Wash. 1982).
(843)	(b)(2), (b)(5), (b)(7)	Long v. IRS, 339 F. Supp. 1266 (W.D. Wash. 1971), subsequent decision, 349 F. Supp. 871 (W.D. Wash. 1972).
(844)	(b)(2), (b)(7)(C), (b)(7)(E), adequacy of agency affidavit	Lopiccolo v. Arusian, 1 GDS ¶81,032 (D.D.C. 1980).
(845)	(a)(2)(C), (b)(2), (b)(5), attorney's fees	Lord & Taylor v. Department of Labor, No. 75-Civ-2839 (S.D.N.Y. 1976), on motion for attorney's fees (S.D.N.Y. 1977).
(846)	Exhaustion of administrative remedies	Love v. IRS, 46 A.F.T.R. 2d 80-5034, 2 GDS ¶82,098 (N.D. Ga. 1980).
(847)	Attorney's fees, pro se litigant, disciplinary proceedings, mootness	Lovell v. Alderete, Nos. 79-2207, 79-2718 (N.D. Ga. 1979), aff'd, 630 F.2d 428 (5th Cir. 1980).
(848)	(b)(3), 26 U.S.C. §6103, §7213, (b)(7)(C), (b)(7)(D), attorney's fees	Luzaich v. United States, 435 F. Supp. 31 (D. Minn. 1977), aff'd, 564 F.2d 101 (8th Cir. 1977).
(849)	(a)(2), fees, improper withholding	Lybarger v. Cardwell, 438 F. Supp. 1075 (D. Mass. 1977), aff'd, 577 F.2d 764 (1st Cir. 1978).
(850)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(A), discovery in FOIA litigation, discretionary release, duty to search, Vaughn index	Lyle v. IRS, No. C-77-942-A (N.D. Ga. 1978), subsequent decision (N.D. Ga. 1978).
(851)	Fee waiver, improper withholding	Lyles v. DOJ, No. 78-1826 (D.D.C. 1979).
(852)	No record within scope of request	Lynch v. IRS, No. 77-1370 (D.D.C. 1978).
(853)	(b)(3), 18 U.S.C. §1905, (b)(4), (b)(5), (b)(7)	M.A. Schapiro & Co. v. SEC, 339 F. Supp. 467 (D.D.C. 1972).
(854)	(b)(6)	Madiera Nursing Home v. NLRB, 96 L.R.R.M. 2411 (S.D. Ohio 1977), aff'd, 615 F.2d 728 (6th Cir. 1980).
(855)	Privacy Act access	Maher v. United States Parole Comm'n, 2 GDS ¶81,348 (W.D. Tex. 1980).

(856)	(b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), fee waiver, improper withholding	Mahler v. DOJ, 2 GDS ¶82,032 (D.D.C. 1981).
(857)	Adequacy of request, exhaustion of administrative remedies, fee waiver, failure to meet time limits	Mahler v. United States Bureau of Prisons, 2 GDS ¶82,031 (D.D.C. 1980).
(858)	Exhaustion of administrative remedies	Maintanis v. Department of the Navy, No. 79-C-1143 (N.D. Ill. 1980).
(859)	(b)(1), E.O. 12065, (b)(2), (b)(3), 50 U.S.C. §403g, Fed.R. Crim.Pro. 6(e), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), adequacy of agency affidavit, burden of proof, in camera inspection	Malizia v. DOJ, 519 F. Supp. 338 (S.D.N.Y. 1981).
(860)	(b)(5), (b)(7)(C)	Mallin v. NLRB, No. 78-C-1753 (N.D. Ill. 1979).
(861)	(b)(2), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Malloy v. DOJ, 457 F. Supp. 543 (D.D.C. 1978).
(862)	(b)(7)(C), (b)(7)(D)	Maloley Brothers, Inc. v. USDA, 1 GDS ¶80,264 (N.D. Ind. 1980).
(863)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Marathon Le Tourneau Co. v. NLRB, 414 F. Supp. 1074 (S.D. Miss. 1976).
(864)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), attorney's fees	Maremont Corp. v. NLRB, 91 L.R.R.M. 2645 (W.D. Okla. 1976), rev'd, No. 76-1402 (10th Cir. 1976).
(865)	(b)(1), E.O. 11652, E.O. 12065	Marks v. Casey, 2 GDS ¶81,254 (D.D.C. 1981), stay granted, 2 GDS ¶82,106 (D.D.C. 1981), decision on renewed motion for summary judgment, 3 GDS ¶82,386 (D.D.C. 1982), renewed motion for summary judgment granted, No. 77-1108 (D.D.C. 1982).
(866)	(b)(1), E.O. 11652, (b)(3), 50 U.S.C. §403(d)(3), §403g, (b)(7), de novo review	Marks v. CIA, 426 F. Supp. 708 (D.D.C. 1976), rev'd, 590 F.2d 997 (D.C. Cir. 1978).
(867)	Duty to search	Marks v. DOJ, 578 F.2d 261 (9th Cir. 1978).
(868)	(b)(1), E.O. 12065, agency records	Marks v. Turner, 1 GDS ¶80,151 (D.D.C. 1980).
(869)	(b)(1), (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), in camera inspection	Maroscia v. Levi, 569 F.2d 1000 (7th Cir. 1977).

(870)	(a)(6)(A), attorney's fees, exhaustion of administrative remedies, pro se litigant	Marschner v. Department of State, 470 F. Supp. 196 (D. Conn. 1979).
(871)	(b)(3), 26 U.S.C. §6103, (b)(7)(A), attorney's fees	Martenson v. IRS, 2 GDS ¶82,215 (D. Minn. 1981).
(872)	(b)(6), (b)(7)(C), (b)(7)(D)	Martin v. Department of the Army, 1 GDS ¶79,120 (D.D.C. 1979).
(873)	(b)(5), executive privilege	Martin v. Merit Systems Protection Board, 3 GDS ¶82,416 (D.D.C. 1982).
(874)	(b)(4), (b)(5), equitable discretion	Martin Marietta Aluminum, Inc. v. GSA, 444 F. Supp. 945 (C.D. Cal. 1977).
(875)	Reverse FOIA, (b)(3), 15 U.S.C. §46(f), 18 U.S.C. §1905, (b)(4)	Martin Marietta Corp. v. FTC, 475 F. Supp. 338 (D.D.C. 1979), aff'd, No. 79-1781 (D.C. Cir. 1980).
(876)	(b)(5), (b)(6), (b)(7)(A), (b)(7)(C)	Martins Ferry Hospital Ass'n v. NLRB, 2 GDS ¶81,073 (S.D. Ohio 1981), aff'd, 649 F.2d 445 (6th Cir. 1981).
(877)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(5), (b)(7)(C), (b)(7)(D), attorney work-product privilege, executive privilege, in camera inspection	Martorano v. DOJ, 3 GDS ¶82,344 (D.D.C. 1982).
(878)	Fees	Mason v. Bell, No. 78-719-A (E.D. Va. 1979).
(879)	(b)(3), 26 U.S.C. §6103, §7213, duty to search	Mason v. Callaway, 554 F.2d 129 (4th Cir. 1977), cert. denied, 434 U.S. 877 (1977), rehearing denied, 434 U.S. 935 (1977).
(880)	Exhaustion of administrative remedies	Matthews v. United States, 2 GDS ¶82,143 (D. Conn. 1979).
(881)	Exhaustion of administrative remedies, fee waiver	Matthews v. Webster, No. 78-1217-Civ-SMA (S.D. Fla. 1978).
(882)	Adequacy of request, agency, duty to search	Mattingly v. CIA, No. 76-C-3684 (N.D. Ill. 1977).
(883)	Attorney's fees	Maxwell Broadcasting Corp. v. FBI, 490 F. Supp. 254 (N.D. Tex. 1980).
(884)	(b)(7)(C), (b)(7)(D), (b)(7)(E)	May v. DOJ, No. 77-264-SD (D. Me. 1978).
(885)	(b)(3), 26 U.S.C. §6103, (b)(6), similar files	May v. IRS, 3 GDS ¶82,387 (W.D. Mo. 1982).
(886)	Attorney's fees	MCA, Inc. v. IRS, 434 F. Supp. 212 (C.D. Cal. 1977).

(887)	(b)(5), FOIA as a discovery tool	McClelland v. Andrus, 606 F.2d 1278 (D.C. Cir. 1979).
(888)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(D), Vaughn index	McCloskey v. DOJ, No. 77-470 (D.D.C. 1978).
(889)	(b)(5), (b)(7)(C), (b)(7)(D)	McCorstin v. Department of Labor, 630 F.2d 242 (5th Cir. 1980), cert. denied, 450 U.S. 999 (1981).
(890)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §1306, (b)(4)	McCoy v. Weinberger, 386 F. Supp. 504 (W.D. Ky. 1974).
(891)	Summary judgment	McCray v. FBI, No. 78-0367 (D.D.C. 1979).
(892)	(b)(6), (b)(8), agency records, reasonably segregable, similar files	McCullough v. FDIC, 1 GDS ¶80,194 (D.D.C. 1980).
(893)	(b)(3), 15 U.S.C. §57b-2(f), (b)(4), (b)(5), (b)(7)(A), Vaughn index	McDermott v. FTC, 1 GDS ¶80,254 (D.D.C. 1980), Vaughn index ordered, 2 GDS ¶81,192 (D.D.C. 1981), on motion for summary judgment, 2 GDS ¶81,193 (D.D.C. 1981).
(894)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	McDonnell Douglas Corp. v. NLRB, 92 L.R.R.M. 2072 (C.D. Cal. 1976).
(895)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403(d)(3), §403g, adequacy of agency affidavit, discovery in FOIA litigation, duty to search, referral of request to another agency	McGehee v. CIA, 533 F. Supp. 861 (D.D.C. 1982).
(896)	(b)(2), (b)(5), (b)(7)	McIntyre v. Warner, No. 73-1350 (D.D.C. 1974).
(897)	(b)(6), FOIA/PA interface	McNeal v. DOJ, No. 6-78-898 (E.D. Mich. 1976).
(898)	(b)(3), 13 U.S.C. §9	McNichols v. Klutznick, No. 80-C-1157 (D. Colo. 1980), rev'd, 644 F.2d 844 (10th Cir. 1981), aff'd sub nom. Baldrige v. Shapiro, 102 S.Ct. 1103 (1982).
(899)	(b)(5), in camera inspection, reasonably segregable, Vaughn index	Mead Data Central, Inc. v. Department of the Air Force, 482 F. Supp. 460 (D.D.C. 1975), aff'd, 575 F.2d 932 (D.C. Cir. 1978).
(900)	(b)(3), 50 U.S.C. §403(d)(3), §403g, adequacy of request, "Glomar" denial	Medoff v. CIA, 464 F. Supp. 158 (D. N.J. 1978).
(901)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D)	Meisler v. DOJ, No. 75-417 (W.D.N.Y. 1977).

(902)	(b)(2), (b)(3), 26 U.S.C. §6103, attorney work-product privilege	Menard v. Department of the Treasury, 2 GDS ¶81,281 (D. Ariz. 1981).
(903)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E), attorney's fees, proper party defendant	Mendoza v. Department of the Treasury, 3 GDS ¶82,419 (C.D. Cal. 1981), subsequent decision, 3 GDS ¶82,420 (C.D. Cal. 1981).
(904)	(b)(7)(C), (b)(7)(E), (b)(7)(F)	Mendoza v. DOJ, No. SA-79-CA-475 (W.D. Tex. 1981).
(905)	FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim	Mercy Hospital v. NLRB, 449 F. Supp. 396 (S.D. Iowa 1978).
(906)	(a)(1)(D), (a)(2)(B), (b)(2), (b)(5), commercial privilege, prompt disclosure	Merrill v. Federal Open Market Committee, 413 F. Supp. 494 (D.D.C. 1976), aff'd, 565 F.2d 778 (D.C. Cir. 1977), rev'd & remanded, 443 U.S. 340 (1979), on remand, 514 F. Supp. 1028 (D.D.C. 1981).
(907)	(b)(7)(A), (b)(7)(C), injunction of agency proceeding pending resolution of FOIA claim	Merrill Lynch, Pierce, Fenner & Smith, Inc. v. SEC, 29 Ad.L.2d (P&F) 234 (D.D.C. 1976).
(908)	Privacy Act access	Mervin v. Bonfanti, 410 F. Supp. 1205 (D.D.C. 1976).
(909)	(b)(5), executive privilege	Mervin v. FEC, 591 F.2d 821 (D.C. Cir. 1978).
(910)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000(e)-8, 44 U.S.C. §3508, (b)(4), (b)(6), (b)(7), discretionary release	Metropolitan Life Insurance Co. v. Usery, 426 F. Supp. 150 (D.D.C. 1976).
(911)	(b)(4), (b)(6), similar files	Miami Herald Publishing Co. v. SBA, 3 GDS ¶82,396 (S.D. Fla. 1979), aff'd, 670 F.2d 610 (5th Cir. 1982).
(912)	(b)(1), (b)(3), 50 U.S.C. §403, discovery in FOIA litigation, in camera affidavit, in camera inspection, waiver of exemption	Military Audit Project v. Bush, 418 F. Supp. 876 (D.D.C. 1976), decision on in camera inspection, 418 F. Supp. 899 (D.D.C. 1976), procedural motion denied, No. 75-2017 (D.C. Cir. 1977), on remand sub nom. Military Audit Project v. Colby, No. 75-2103 (D.D.C. 1979), aff'd sub nom. Military Audit Project v. Casey, 656 F.2d 724 (D.C. Cir. 1981).
(913)	(b)(4), (b)(5)	Military Audit Project v. Rattles, No. 75-466 (D.D.C. 1976).

(914)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403, (b)(5), agency records (Congressional records not agency records), de novo review	Miller v. CIA, 2 GDS ¶81,174 (D.D.C. 1981).
(915)	(b)(5)	Miller v. Smith, 292 F. Supp. 55 (S.D.N.Y. 1968).
(916)	(a)(4)(F), (b)(7)(C), (b)(7)(D), adequacy of request, attorney's fees, FOIA/PA interface	Miller v. Webster, 483 F. Supp. 883 (N.D. Ill. 1979), aff'd in part, rev'd in part sub nom. Miller v. Bell, 661 F.2d 623 (7th Cir. 1981), cert. denied, 102 S.Ct. 2035 (1982).
(917)	(b)(4), (b)(5), attorney-client privilege, promise of confidentiality	Miller, Anderson, Nash, Yerke & Weiner v. DOE, 499 F. Supp. 767 (D. Or. 1980).
(918)	Fee waiver, FOIA/PA interface	Mills v. McCreight, 1 GDS ¶79,151 (D.D.C. 1979).
(919)	(b)(5)	Mims v. United States, No. 8935-Civ (D.N.M. 1971).
(920)	(b)(1), (b)(5), in camera inspection	Mink v. EPA, 464 F.2d 742 (D.C. Cir. 1972), rev'd, 410 U.S. 73 (1973).
(921)	Attorney's fees	Minnesota Mining & Manufacturing Co. v. GSA, No. 77-306 (D.D.C. 1977).
(922)	(b)(6), similar files, proper party defendant	Minnis v. USDA, No. 80-1138 (D. Or. 1981).
(923)	(b)(3), 35 U.S.C. §122, attorney's fees, leaks	Misegades, Douglas & Levy v. Sonneberg, 76 F.R.D. 384 (E.D. Va. 1976), on motion for attorney's fees, No. 76-481A (E.D. Va. 1977).
(924)	(b)(3), 35 U.S.C. §122, (b)(4), (b)(5), mootness	Misegades & Douglas v. Schuyler, 328 F. Supp. 619 (E.D. Va. 1971), dismissed, 456 F.2d 255 (4th Cir. 1972).
(925)	(b)(3), 15 U.S.C. §46(f), (b)(4), (b)(5), (b)(7)	Missouri Portland Cement Co. v. FTC, 1973 Trade Cas. (CCH) ¶74,124 (D.D.C. 1972).
(926)	Discovery in FOIA litigation	Mitchell v. IRS, 1 GDS ¶80,102 (W.D. Okla. 1980).
(927)	(a)(6)(C), exceptional circumstances/due diligence, FOIA as a discovery tool	Mitsubishi Electric Corp. v. DOJ, 39 Ad.L.2d (P&F) 1133 (D.D.C. 1976).
(928)	(b)(4), (b)(7)(A), (b)(7)(D)	Mitsubishi Electric Corp. v. DOJ, No. 76-0813 (D.D.C. 1977).

(929)	(b)(3), 15 U.S.C. §46(f), (b)(4), (b)(5), (b)(7), (b)(7)(A), (b)(7)(D), attorney work-product privilege, Vaughn index	Mobil Oil Corp. v. FTC, 406 F. Supp. 305 (S.D.N.Y. 1976), decision on rehearing, 430 F. Supp. 849 (S.D.N.Y. 1977), subsequent decision, No. 74-CIV-311(MEL) (S.D.N.Y. 1979).
(930)	Attorney's fees	Mobley v. IRS, 42 A.F.T.R. 2d 78-5359 (N.D. Cal. 1978).
(931)	(b)(5), (b)(7)	Monsanto Co. v. Dawson Chemical Co., 176 U.S.P.Q. (BNA) 349 (S.D. Tex. 1972).
(932)	(b)(5), executive privilege, reasonably segregable	Montrose Chemical Corp. v. Ruckelshaus, No. 72-1797 (D.D.C. 1973), rev'd sub nom. Montrose Chemical Corp. v. Train, 491 F.2d 63 (D.C. Cir. 1974).
(933)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(C), (b)(7)(D), summary judgment, attorney work-product privilege, waiver of exemption	Moody v. IRS, 1 GDS ¶80,055 (D.D.C. 1980), remanded, 654 F.2d 795 (D.C. Cir. 1981), on remand, 527 F. Supp. 535 (D.D.C. 1981), aff'd in part, rev'd in part & remanded, 682 F.2d 266 (D.C. Cir. 1982).
(934)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403, disclosure to Congress, referral of request to another agency, waiver of exemption (administrative release)	Moon v. CIA, 514 F. Supp. 836 (S.D. N.Y. 1981).
(935)	(b)(5), (b)(7)(D), (b)(7)(E), attorney's fees, executive privilege	Moore v. Department of the Treasury, 2 GDS ¶82,085 (S.D. Ohio 1981).
(936)	(b)(1), E.O. 12065, (b)(5), attorney-client privilege, attorney work-product privilege, executive privilege	Moore v. Department of the Treasury, No. CV-81-1173-AWT (C.D. Cal. 1982).
(937)	(b)(5), (b)(7)	Moore-McCormack Line, Inc. v. I.T.O. Corp. of Baltimore, 508 F.2d 945 (4th Cir. 1974).
(938)	(b)(7), (b)(7)(A), law enforcement purpose	Moorfield v. United States Secret Service, 611 F.2d 1021 (5th Cir. 1980), cert. denied, 449 U.S. 909 (1980).
(939)	Privacy Act access, (b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(F)	Moran v. DEA, No. 78-2831-CIV-JLK (S.D. Fla. 1979).
(940)	Exhaustion of administrative remedies, proper party defendant	Morpurgo v. Board of Higher Education, 423 F. Supp. 704 (S.D.N.Y. 1976).

(941)	Improper withholding	Morris v. DOJ, 540 F. Supp. 898 (S.D. Tex. 1982).
(942)	(b)(2), (b)(5), in camera inspection, reasonably segregable	Morton-Norwich Products, Inc. v. Mathews, 415 F. Supp. 78 (D.D.C. 1976).
(943)	Exhaustion of administrative remedies, failure to meet time limits	Moskowitz v. Kelley, No. 77-C-705 (E.D.N.Y. 1977).
(944)	(b)(1)	Moss v. Laird, No. 71-1254 (D.D.C. 1971).
(945)	Disclosure to Congress, discretionary release, waiver of exemption (administrative release)	Murphy v. Department of the Army, 613 F.2d 1151 (D.C. Cir. 1979).
(946)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(A), discovery in FOIA litigation, leaks, Vaughn index, waiver of exemption (unauthorized release)	Murphy v. FBI, 490 F. Supp. 1134 (D.D.C. 1980) (discovery motion denied), summary judgment granted, 490 F. Supp. 1138 (D.D.C. 1980), summary judgment vacated as moot, No. 80-1612 (D.C. Cir. 1980).
(947)	(b)(7)(C), (b)(7)(D), waiver of exemption	Murphy v. FBI, No. 79-0919-CV-W-5 (W.D. Mo. 1981).
(948)	(b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool	Mylan Pharmaceuticals, Inc. v. NLRB, 407 F. Supp. 1124 (W.D. Pa. 1976).
(949)	Jurisdiction	Nachbaur v. NLRB, No. 76-6172 (S.D.N.Y 1977), appeal dismissed, 559 F.2d 1204 (2d Cir. 1977).
(950)	(b)(5)	Nader v. Dunlop, 370 F. Supp. 177 (D.D.C. 1973).
(951)	(b)(3), 49 U.S.C. §1472, §1504, in camera inspection	National Airlines v. CAB, No. 75-613 (D.D.C. 1975).
(952)	(a)(1), (a)(2), publication, attorney's fees	National Ass'n of Concerned Veterans v. Secretary of Defense, 487 F. Supp. 192 (D.D.C. 1979), on motion for attorney's fees, No. 79-0211 (D.D.C. 1980), rev'd & remanded, 675 F.2d 1319 (D.C. Cir. 1982), modified on rehearing, Nos. 81-1364, 81-1424 (D.C. Cir. 1982), rehearing en banc denied (D.C. Cir. 1982).
(953)	(b)(4), burden of proof, summary judgment	National Ass'n of Government Employees v. Hampton, No. 76-1041 (D.D.C. 1976), aff'd in part, rev'd in part & remanded sub nom. National Ass'n of Government Employees v. Campbell, 593 F.2d 1023 (D.C. Cir. 1978), on remand, 1 GDS ¶80,129 (D.D.C. 1980).

(954)	(b)(5), (b)(6)	National Ass'n of Postal Supervisors v. USPS, No. C-77-2188-CBR (N.D. Cal. 1978), aff'd, No. 78-3245 (9th Cir. 1980).
(955)	(b)(4), (b)(5), agency records	National Cable Television Ass'n v. FCC, 479 F.2d 183 (D.C. Cir. 1973).
(956)	(b)(1), E.O. 12065, assurance of confidentiality, belated classification, in camera inspection	National Catholic Reporter Publishing Co. v. FBI, No. 80-585 (D.D.C. 1980), on motion for summary judgment, 514 F. Supp. 1149 (D.D.C. 1981), on motion for reconsideration (D.D.C. 1981).
(957)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), §403g	National Commission on Law Enforcement & Social Justice v. CIA, No. CV-75-3644-MML (C.D. Cal. 1976), aff'd, 576 F.2d 1373 (9th Cir. 1978).
(958)	(a)(1), publication	National Conservative Political Action Committee v. Federal Election Comm'n, No. 78-1543 (D.D.C. 1980), aff'd as modified, 626 F.2d 953 (D.C. Cir. 1980) (per curiam).
(959)	(b)(5)	National Courier Ass'n v. Board of Governors of the Federal Reserve System, 516 F.2d 1229 (D.C. Cir. 1975).
(960)	(b)(7)(A), (b)(7)(C)	NLRB v. Biophysics Systems, Inc., 91 L.R.R.M. 3079 (S.D.N.Y. 1976).
(961)	(b)(7)(A), (b)(7)(C), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim	NLRB v. Hardeman Garment Corp., 406 F. Supp. 510 (W.D. Tenn. 1976), on motion to stay agency proceedings, 91 L.R.R.M. 2425 (W.D. Tenn. 1976), rev'd, 557 F.2d 559 (6th Cir. 1977).
(962)	(b)(5)	National Nutritional Foods Ass'n v. Mathews, 418 F. Supp. 394 (S.D.N.Y. 1976).
(963)	(b)(3), 18 U.S.C. §1905, (b)(4), (b)(6), burden of proof	National Parks & Conservation Ass'n v. Morton, 351 F. Supp. 404 (D.D.C. 1972), rev'd & remanded, 498 F.2d 765 (D.C. Cir. 1974), on remand, No. 72-436 (D.D.C. 1975), aff'd in part, rev'd in part sub nom. National Parks & Conservation Ass'n v. Kleppe, 547 F.2d 673 (D.C. Cir. 1976).
(964)	FOIA as a discovery tool	National Presto Industries, Inc. v. United States, No. 76-301 (Ct. Cl. 1978).
(965)	(a)(2)	National Prison Project v. United States Bureau of Prisons, No. 78-0216 (D.D.C. 1979).
(966)	(a)(2)(A), (b)(6)	National Prison Project of the ACLU Foundation, Inc. v. Sigler, 390 F. Supp. 789 (D.D.C. 1975).
(967)	(b)(5), (b)(7)(A), executive privilege	National Public Radio v. Bell, 431 F. Supp. 509 (D.D.C. 1977).

(968)	(b)(5), agency records	National Resources Defense Council v. NRC, No. 76-0592 (D.D.C. 1977).
(969)	Injunction of agency proceeding pending resolution of FOIA claim	National Steel Products Co. v. NLRB, No. C78-293A (N.D. Ga. 1978).
(970)	(b)(5), executive privilege, inter- or intra-agency memoranda	National Tank Truck Carriers, Inc. v. OMB, 3 GDS ¶82,327 (D.D.C. 1982).
(971)	(b)(6)	National Treasury Employees Union v. Action, No. 78-1431 (D.D.C. 1979).
(972)	(a)(2)(C), (b)(2)	National Treasury Employees Union v. Department of the Treasury, 487 F. Supp. 1321 (D.D.C. 1980).
(973)	(b)(5), (b)(6), similar files	National Treasury Employees Union v. United States, 2 GDS ¶81,146 (D.D.C. 1981).
(974)	Exceptional circumstances/due diligence, exhaustion of administrative remedies	National Treasury Employees Union v. United States Customs Service, 2 GDS ¶82,191 (D.D.C. 1982).
(975)	(b)(3), 39 U.S.C. §410(c)(2), (b)(4), (b)(6), attorney's fees, equitable discretion, proper party defendant	National Western Life Insurance Co. v. United States, 512 F. Supp. 454 (N.D. Tex. 1980).
(976)	Attorney's fees	Nationwide Building Maintenance, Inc. v. Sampson, 559 F.2d 704 (D.C. Cir. 1977).
(977)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000, (b)(5), (b)(6), (b)(7)	Nationwide Mutual Insurance Co. v. Friedman, 451 F. Supp. 736 (D. Md. 1978).
(978)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), (b)(5), agency records (Congressional records not agency records)	Navasky v. CIA, 499 F. Supp. 269 (S.D.N.Y. 1980), subsequent decision, 521 F. Supp. 128 (S.D.N.Y. 1981), aff'd, No. 81-6155 (2d Cir. 1981).
(979)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Neal-Cooper Grain Co. v. Kissinger, 385 F. Supp. 769 (D.D.C. 1974).
(980)	(b)(7)(A)	Nebraska Bulk Transportation, Inc. v. NLRB, No. CV-78-L-5 (D. Neb. 1978).
(981)	Vaughn index	Neely v. CIA, 3 GDS ¶82,393 (D.D.C. 1982).
(982)	(a)(1)(D), publication	Neighborhood Legal Services, Inc. v. Legal Services Corp., 466 F. Supp. 1148 (D. Conn. 1979).

(983)	(b)(7)(A), (b)(7)(D)	Nemacolin Mines Corp. v. NLRB, 467 F. Supp. 521 (W.D. Pa. 1979).
(984)	(b)(4), (b)(6), (b)(7)(C), proper party defendant	Nemetz v. Department of the Treasury, 466 F. Supp. 102 (N.D. Ill. 1978).
(985)	(b)(3), 26 U.S.C. §6103(b)(2), (b)(5), attorney-client privilege, executive privilege, reasonably segregable	Neufeld v. IRS, 1 GDS ¶79,118 (D.D.C. 1979), aff'd in part, rev'd in part, 646 F.2d 661 (D.C. Cir. 1981).
(986)	Duty to search	Neugent v. Department of the Interior, No. 79-1229 (D.D.C. 1980), rev'd, 640 F.2d 386 (D.C. Cir. 1981).
(987)	(b)(7)(A)	New England Medical Hospital Center v. NLRB, 548 F.2d 377 (1st Cir. 1976).
(988)	(b)(5)	New Mexico ex rel. Reynolds v. Kleppe, No. 75-684-M (D.N.M. 1976).
(989)	Fee waiver	Newsome v. FBI, 1 GDS ¶79,142 (M.D. N.C. 1979).
(990)	Discovery/FOIA interface	Nichols v. Board of Trustees of the Asbestos Workers Local 24 Pension Plan, No. 80-563 (D.D.C. 1982).
(991)	Attorney's fees	Nichols v. Landreau, 1 GDS ¶81,048 (D.D.C. 1980).
(992)	(b)(3), 44 U.S.C. §2107, §2108(c), agency records	Nichols v. United States, 325 F. Supp. 130 (D. Kan. 1971), aff'd, 460 F.2d 671 (10th Cir. 1972), cert. denied, 409 U.S. 966 (1972).
(993)	(a)(2)(A)	Nicholson v. Brown, 599 F.2d 639 (5th Cir. 1979), modified on rehearing, 605 F.2d 209 (5th Cir. 1979).
(994)	(a)(2)(A), (b)(5), attorney work-product privilege	Niemeir v. Watergate Special Prosecution Force, 420 F. Supp. 794 (N.D. Ill. 1976), rev'd & remanded, 565 F.2d 967 (7th Cir. 1977).
(995)	(b)(4), (b)(5)	9 to 5 Organization for Women Office Workers v. Board of Governors of the Federal Reserve System, 527 F. Supp. 1163 (D. Mass. 1981).
(996)	(b)(5), (b)(7)(A), attorney work-product privilege, waiver of exemption (administrative release)	Nissen Foods v. NLRB, 540 F. Supp. 584 (E.D. Pa. 1982).
(997)	(b)(2), (b)(7)(C), (b)(7)(D), attorney's fees	Nix v. United States, 572 F.2d 998 (4th Cir. 1978).

(998)	(b)(1), (b)(3), 44 U.S.C. §2101, agency, agency records, attorney's fees, case or controversy, mootness	Nixon v. Sampson, 389 F. Supp. 107 (D.D.C. 1975) (consolidated decision in Nos. 74-1518, 74-1533, & 74-1551), order stayed sub nom. Nixon v. Richey, 513 F.2d 427 (D.C. Cir. 1975), on reconsideration, 513 F.2d 430 (D.C. Cir. 1975), actions dismissed as moot, 437 F. Supp. 654 (D.D.C. 1977), rev'd sub nom. Reporters Committee for Freedom of the Press v. Sampson, 591 F.2d 944 (D.C. Cir. 1978), on remand, (D.D.C. 1980).
(999)	(a)(2), jurisdiction	Nolen v. Rumsfeld, 535 F.2d 890 (5th Cir. 1976), cert. denied, 429 U.S. 1104 (1977).
(1000)	Reverse FOIA, mootness	Norman S. Fink Engineering Co. v. Duncan, 2 GDS ¶82,007 (E.D. Wash. 1981).
(1001)	(a)(1)	North American Van Lines, Inc. v. United States, 412 F. Supp. 782 (N.D. Ind. 1976).
(1002)	(b)(5), discretionary release	North Dakota ex rel. Olson v. Department of the Interior, No. A-77-1041 (D.N.D. 1977), rev'd & remanded, 581 F.2d 177 (8th Cir. 1978).
(1003)	(a)(1)(B), (a)(1)(C)	Northern California Power Agency v. Morton, 396 F. Supp. 1187 (D.D.C. 1975), aff'd mem. sub nom. Northern California Power Agency v. Kleppe, 539 F.2d 243 (D.C. Cir. 1976).
(1004)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, nexus test	Northern Television, Inc. v. FCC, 1 GDS ¶80,124 (D.D.C. 1980).
(1005)	(b)(3), 15 U.S.C. §57b-2(f), (b)(5), discretionary release, waiver of exemption, Vaughn index	Novo Laboratories, Inc. v. FTC, 1 GDS ¶80,216 (D.D.C. 1980), on motion for summary judgment, No. 80-1989 (D.D.C. 1981).
(1006)	(b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(F), FOIA/PA interface, Vaughn index	Nunez v. DEA, 497 F. Supp. 209 (S.D. N.Y. 1980).
(1007)	(a)(1), (b)(3), 33 U.S.C. §709, publication	Oahe Conservancy Sub-District v. Alexander, 493 F. Supp. 1294 (D.S.D. 1980).
(1008)	(b)(2), proper party defendant	Ochs v. FBI, 2 GDS ¶81,252 (D.D.C. 1981), aff'd mem., 679 F.2d 262 (D.C. Cir. 1982).
(1009)	(b)(5), (b)(7)(A)	O'Donnell v. DOJ, 1 GDS ¶80,058 (D.D.C. 1980).

(1010)	(b)(7)(A), exhaustion of administrative remedies, jurisdiction	OKC Corp. v. Williams, 461 F. Supp. 540 (N.D. Tex. 1978), subsequent decision, 489 F. Supp. 576 (N.D. Tex. 1980), aff'd, 614 F.2d 58 (5th Cir. 1980), cert. denied, 449 U.S. 952 (1980).
(1011)	(b)(5), (b)(6)	Ollstad v. Kelly, No. CV-74-2486-LTL (C.D. Cal. 1975), aff'd in part, rev'd in part, 573 F.2d 1109 (9th Cir. 1978).
(1012)	(b)(2), (b)(7)(C), (b)(7)(D)	Olom v. FBI, No. 76-M-1078 (D. Colo. 1977).
(1013)	(a)(1)(B), (a)(1)(D), (a)(1)(E), (b)(2)	Onweiler v. United States, 432 F. Supp. 1226 (D. Idaho 1977).
(1014)	(a)(6)(A), (a)(6)(B), (a)(6)(C), exceptional circumstances/due diligence, failure to meet time limits	Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976).
(1015)	(b)(5)	Orange County Vegetable Improvement Co-op Ass'n v. USDA, No. 75-842 (D.D.C. 1975).
(1016)	(b)(4), (b)(5), adequacy of agency affidavit, burden of proof	Orion Research, Inc. v. EPA, No. 75-5071-F (D. Mass. 1979), aff'd, 615 F.2d 551 (1st Cir. 1980), cert. denied, 449 U.S. 833 (1980).
(1017)	(b)(2), (b)(3), 26 U.S.C. §6103, adequacy of request, agency, agency records, attorney's fees	Ostheimer v. Chumbley, 498 F. Supp. 890 (D. Mont. 1980), partial summary judgment granted, 3 GDS ¶82,359 (D. Mont. 1981), subsequent decision, 3 GDS ¶82,361 (D. Mont. 1981), decision on costs, 3 GDS ¶82,362 (D. Mont. 1982).
(1018)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E), proper party defendant	Ott v. Levi, 419 F. Supp. 750 (E.D. Mo. 1976).
(1019)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(A), (b)(7)(C)	Otworth v. Commissioner of IRS, 3 GDS ¶82,327, 50 A.F.T.R. 2d 82-5001 (C.D. Cal. 1982).
(1020)	(b)(6), similar files	Ouellette v. Department of the Army, 2 GDS ¶82,214 (D.D.C. 1982).
(1021)	(b)(1), (b)(2), (b)(7)(C), (b)(7)(D)	Owens v. FBI, 2 GDS ¶81,166 (D.D.C. 1981), aff'd, No. 81-1734 (D.C. Cir. 1982).
(1022)	Privacy Act access, (b)(7)(C), attorney's fees	Owens v. United States Attorney General, 2 GDS ¶81,259 (D.D.C. 1981), on motion for attorney's fees, 2 GDS ¶82,090 (D.D.C. 1981).
(1023)	(b)(5), no record within scope of request	Owens v. United States Bureau of Prisons, 379 F. Supp. 547 (D.D.C. 1974), rev'd, 509 F.2d 537 (D.C. Cir. 1975).

(1024)	Exhaustion of administrative remedies, fees	Pacella v. DEA, 2 GDS ¶82,217 (D.D.C. 1982).
(1025)	(b)(1), (b)(7)(C), (b)(7)(D), attorney's fees, in camera inspection, exhaustion of administrative remedies	Pacheco v. FBI, 470 F. Supp. 1091 (D.P.R. 1979).
(1026)	(b)(4), (b)(5), Vaughn index	Pacific Architects & Engineers, Inc. v. Renegotiation Board, 505 F.2d 383 (D.C. Cir. 1974).
(1027)	Agency	Pacific Legal Foundation v. CEQ, No. 79-116 (D.D.C. 1979), rev'd, 636 F.2d 1259 (D.C. Cir. 1980).
(1028)	(b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Pacific Molasses Co. v. NLRB, 95 L.R.R.M. 2638 (E.D. La. 1977), rev'd, 577 F.2d 1172 (5th Cir. 1978).
(1029)	(b)(7)(A)	Pacific Photo Type, Inc. v. NLRB, 92 L.R.R.M. 2560 (D. Hawaii 1976).
(1030)	Privacy Act access, (b)(3), 5 U.S.C. §552a, FOIA/PA interface	Painter v. FBI, No. C78-682A (N.D. Ga. 1979), aff'd in part, rev'd in part, 615 F.2d 689 (5th Cir. 1980).
(1031)	(b)(5), agency records (Congressional records not agency records), referral of request to another agency	Paisley v. CIA, No. 80-0038 (D.D.C. 1982).
(1032)	(b)(3), 22 U.S.C. §987, (b)(5), duty to search, attorney-client privilege	Palm v. Department of State, 1 GDS ¶80,296 (D.D.C. 1980).
(1033)	(b)(5), FOIA as a discovery tool	Parke, Davis & Co. v. Califano, 623 F.2d 1 (6th Cir. 1980).
(1034)	(b)(3), 42 U.S.C. §2000(e)	Parker v. EEOC, No. 74-1262 (D.D.C. 1975), aff'd, 534 F.2d 977 (D.C. Cir. 1976).
(1035)	(b)(7)(A), discovery/FOIA interface, reasonably segregable, Vaughn index	Parker/Hunter, Inc. v. SEC, 2 GDS ¶81,167, motion for Vaughn index denied, ¶81,168 (D.D.C. 1981).
(1036)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, nexus test	Parkridge Hospital v. Blue Cross & Blue Shield, 430 F. Supp. 1030 (E.D. Tenn. 1977), rev'd sub nom. Parkridge Hospital v. Califano, 625 F.2d 719 (6th Cir. 1980).
(1037)	(a)(1), publication	Pasco, Inc. v. Federal Energy Administration, 525 F.2d 1391 (Temp. Emer. Ct. App. 1975).

(1038)	(b)(5)	Pass v. Department of the Air Force, No. 1-76-118 (D. Tenn. 1976).
(1039)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403	Patterson v. CIA, 2 GDS ¶81,175 (D.D.C. 1981).
(1040)	Agency records	Patterson v. DEA, No. 78-0035 (D.D.C. 1978).
(1041)	(b)(6), (b)(7)(C)	Patterson v. DOJ, 3 GDS ¶82,266 (D.D.C. 1982).
(1042)	(b)(1), E.O. 12065 (b)(3), 50 U.S.C. §403(d)(3), §403g, Fed.R.Crim.Pro. 6(e), (b)(5), (b)(6), (b)(7), executive privilege	Patterson v. Department of State, 3 GDS ¶82,292 (D.D.C. 1982).
(1043)	(b)(1), (b)(2), (b)(3), Fed.R.Crim. Pro. 6(e), 50 U.S.C. §403, (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), de novo review, duty to search, in camera inspection	Patterson v. FBI, 2 GDS ¶82,006 (D.D.C. 1981).
(1044)	Fee waiver	Patterson v. United States Bureau of Prisons, 1 GDS ¶79,141 (W.D. Okla. 1979).
(1045)	(b)(3), 26 U.S.C. §6103, attorney's fees, Vaughn index	Patton v. IRS, 3 GDS ¶82,425 (N.D. Ga. 1981).
(1046)	Adequacy of request, in camera inspection, Vaughn index, waiver of exemption	Peck v. FBI, 1 GDS ¶79,168 (N.D. Ohio 1979), subsequent decision, 3 GDS ¶82,353 (N.D. Ohio 1981).
(1047)	(b)(5), executive privilege, FOIA/PA interface, mootness	Peck v. United States, 514 F. Supp. 210 (S.D.N.Y. 1981), modified, 522 F. Supp. 245 (S.D.N.Y. 1981), appeal dismissed, No. 81-6198 (2d Cir. 1982).
(1048)	(b)(1), E.O. 12065, (b)(5), (b)(6), (b)(7)(C)	Pennington v. Department of State, 1 GDS ¶79,161 (D.D.C. 1979).
(1049)	(b)(5), proper party defendant	Pennzoil Co. v. DOE, No. 78-335 (D. Del. 1981).
(1050)	Reverse FOIA, (b)(4), (b)(9), discretionary release	Pennzoil Co. v. Federal Power Comm'n, 534 F.2d 627 (5th Cir. 1976).
(1051)	(b)(3), 42 U.S.C. §1306	People of the State of California v. Richardson, 351 F. Supp. 733 (N.D. Cal. 1972), aff'd sub nom. People of the State of California v. Weinberger, 505 F.2d 767 (9th Cir. 1974).

(1052)	Injunction of agency proceeding pending resolution of FOIA claim	Pepsi Cola Bottling Co. v. NLRB, 92 L.R.R.M. 3527 (D. Kan. 1976).
(1053)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, agency records	Permian Corp. v. United States, 1 GDS ¶80,121 (D.D.C. 1980), aff'd in part, rev'd in part & remanded, 2 GDS ¶81,355 (D.C. Cir. 1981).
(1054)	(a)(1), publication	Perri v. Bureau of Alcohol, Tobacco & Firearms, 637 F.2d 1332 (9th Cir. 1981).
(1055)	Adequacy of agency affidavit, duty to search, improper withholding, mootness, summary judgment	Perry v. Block, 684 F.2d 121 (D.C. Cir. 1982).
(1056)	Improper withholding	Peter Hand Brewing Co. v. SEC, 2 GDS ¶82,206 (D.D.C. 1982).
(1057)	(b)(4), promise of confidentiality	Petkas v. Staats, 364 F. Supp. 680 (D.D.C. 1973), rev'd & remanded, 501 F.2d 887 (D.C. Cir. 1974).
(1058)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 21 U.S.C. §331(j), (b)(4), promise of confidentiality	Pharmaceutical Manufacturers Ass'n v. Weinberger, 411 F. Supp. 576 (D.D.C. 1976).
(1059)	(b)(6), (b)(7)(C), (b)(7)(D)	Philadelphia Newspapers, Inc. v. DOJ, 405 F. Supp. 8 (E.D. Pa. 1975).
(1060)	(b)(5), (b)(7)	Philadelphia Newspapers, Inc. v. HUD, 343 F. Supp. 1176 (E.D. Pa. 1972).
(1061)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(5), (b)(6), adequacy of agency affidavit, "Glomar" denial, in camera affidavit, proper party defendant, waiver of exemption (administrative release)	Phillippi v. CIA, No. 75-1265 (D.D.C. 1975), rev'd, 546 F.2d 1009 (D.C. Cir. 1976), on remand (D.D.C. 1980), aff'd, 655 F.2d 1325 (D.C. Cir. 1981).
(1062)	(b)(2), (b)(7), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(F), in camera inspection, investigatory records	Picard v. DOJ, No. 78-2084 (D.D.C. 1979).
(1063)	(b)(2), (b)(7)(C)	Piccolo v. DEA, No. 78-2103 (D.D.C. 1979).
(1064)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(D)	Piccolo v. DOJ, 2 GDS ¶81,077 (D.D.C. 1981), on motion for summary judgment, 90 F.R.D. 287 (D.D.C. 1981), on reconsideration, 2 GDS ¶81,185 (D.D.C. 1981), appeal dismissed, 2 GDS ¶82,024 (D.C. Cir. 1981).

(1065)	(b)(7)(C), (b)(7)(D)	Piccolo v. FBI, No. 78-1517 (D.D.C. 1979).
(1066)	Reverse FOIA, (b)(1), (b)(3), 15 U.S.C. §2055, (b)(4), (b)(5)	Pierce & Stevens Chemical Corp. v. United States, 439 F. Supp. 247 (W.D. N.Y. 1977), rev'd, 585 F.2d 1382 (2d Cir. 1978).
(1067)	(b)(5), executive privilege	Pies v. IRS, 484 F. Supp. 930 (D.D.C. 1979), rev'd, 668 F.2d 1350 (D.C. Cir. 1981).
(1068)	(b)(5), (b)(7)	Pilar v. S.S. Hess Patrol, 55 F.R.D. 159 (D. Md. 1972).
(1069)	(b)(2), (b)(5)	Pitman v. Department of the Interior, No. 76-F-1022 (D. Colo. 1977).
(1070)	(b)(6)	Plain Dealer Publishing Co. v. Department of Labor, 471 F. Supp. 1023 (D.D.C. 1979).
(1071)	Reverse FOIA, (b)(4)	Planning Research Corp. v. Federal Power Comm'n, 555 F.2d 970 (D.C. Cir. 1977).
(1072)	(b)(2), (b)(3), Fed. R.Crim.Pro. 6(e), (b)(5), (b)(6), (b)(7), (b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit, discovery/ FOIA interface, executive privilege, in camera affidavit, investigatory records, law enforcement purpose	Playboy Enterprises, Inc. v. DOJ, 516 F. Supp. 233 (D.D.C. 1981), aff'd in part, rev'd in part, 677 F.2d 931 (D.C. Cir. 1982).
(1073)	(b)(3), Fed.R.Civ.Pro. 26(a), (b)(4), (b)(5)	Pleasant Hill Bank v. United States, 58 F.R.D. 97 (W.D. Mo. 1973).
(1074)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(C)	Pollack v. IRS, No. 77-2428 (D.N.J. 1980).
(1075)	(b)(1), (b)(7)(C), (b)(7)(D)	Pollard v. FBI, 3 GDS ¶82,332 (W.D. Wash. 1981), on in camera inspection, 3 GDS ¶82,333 (W.D. Wash. 1981).
(1076)	(b)(2), (b)(5)	Polymers, Inc. v. NLRB, 414 F.2d 999 (2d Cir. 1969), cert. denied, 396 U.S. 1010 (1970).
(1077)	(b)(7)(A), attorney's fees	Polynesian Cultural Center, Inc. v. NLRB, 600 F.2d 1327 (9th Cir. 1979).
(1078)	(b)(4)	Ponce v. Housing Authority, 389 F. Supp. 635 (E.D. Cal. 1975).
(1079)	(b)(5), attorney's fees, attorney work-product privilege	Pope v. United States, 459 F. Supp. 426 (S.D. Tex. 1977), aff'd, 585 F.2d 802 (5th Cir. 1978) (per curiam).

(1080)	(b)(7), (b)(7)(D), law enforcement purpose	Pope v. United States, 599 F.2d 1383 (5th Cir. 1979).
(1081)	(b)(1), (b)(5)	Population Action Council v. Department of State, 2 GDS ¶81,127 (D.D.C. 1981).
(1082)	(b)(4), (b)(5), agency records (personal records not agency records), attorney-client privilege	Porter County Chapter of Izaak Walton League v. AEC, 380 F. Supp. 630 (N.D. Ind. 1974).
(1083)	(b)(3), 18 U.S.C. §2510, 28 U.S.C. §534, Fed.R.Crim.Pro. 6(e), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit	Posner v. DOJ, 2 GDS ¶82,229 (D.D.C. 1982).
(1084)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Poss v. NLRB, 91 L.R.R.M. 2232 (D. Colo. 1975), aff'd, 565 F.2d 654 (10th Cir. 1977).
(1085)	Adequacy of request	Powell v. Kopman, 511 F. Supp. 700 (S.D.N.Y. 1981).
(1086)	(b)(6)	PPG Industries v. NLRB, 99 L.R.R.M. 3397 (W.D. Pa. 1978).
(1087)	(b)(1), E.O. 12065, (b)(2), (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, adequacy of request, duty to search, in camera inspection, investigatory records, law enforcement purpose	Pratt v. Webster, 508 F. Supp. 751 (D.D.C. 1981), subsequent decision, 2 GDS ¶81,298 (D.D.C. 1981), on motion for summary judgment, 2 GDS ¶81,299 (D.D.C. 1981), rev'd & remanded, 673 F.2d 408 (D.C. Cir. 1982), amended upon petition for rehearing (D.C. Cir. 1982).
(1088)	(b)(7)	Preferred Land Corp. v. SEC, [1974-75 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶94,555 (D.D.C. 1975).
(1089)	Dismissal for failure to prosecute	Pressley v. DOJ, 3 GDS ¶82,473 (D.S.C. 1981).
(1090)	(b)(7)(A), (b)(7)(C), (b)(7)(D), exhaustion of administrative remedies, venue	Proctor & Gamble Manufacturing Co. v. NLRB, No. CA-3-78-0149 (N.D. Tex. 1978).
(1091)	Injunction of agency proceeding pending resolution of FOIA claim	Production Molded Plastics, Inc. v. NLRB, 408 F. Supp. 937 (N.D. Ohio 1976).
(1092)	Adequacy of request	Profit v. Landreau, 2 GDS ¶81,057 (D. Conn. 1980).

(1093)	(b)(6), (b)(7)(C), (b)(7)(F), proper party defendant, stay pending appeal	Providence Journal Co. v. FBI, 460 F. Supp. 762 (D.R.I. 1978), subsequent decision, 460 F. Supp. 778 (D.R.I. 1978), stay pending appeal granted, 595 F.2d 889 (1st Cir. 1979), rev'd, 602 F.2d 1010 (1st Cir. 1979), cert. denied, 444 U.S. 1071 (1980).
(1094)	Exhaustion of administrative remedies	Prows v. United States Coast Guard, No. C-81-0369A (D. Utah 1981).
(1095)	Reverse FOIA, (b)(3), 18 U.S.C. §1905	Psychiatric Institute of Washington, D.C., Inc. v. Group Hospitalization, No. 78-1645 (D.C. Cir. 1980).
(1096)	(b)(3), 21 U.S.C. §360j(h), (b)(4)	Public Citizen Health Research Group v. FDA, 539 F. Supp. 1320 (D.D.C. 1982).
(1097)	(b)(3), 42 U.S.C. §1320c-15, (b)(5), (b)(6), agency	Public Citizen Health Research Group v. HEW, 449 F. Supp. 937 (D.D.C. 1978), subsequent decision, 477 F. Supp. 595 (D.D.C. 1979), rev'd, 668 F.2d 537 (D.C. Cir. 1981).
(1098)	(b)(6), attorney's fees, duty to search	Public Citizen Health Research Group v. Department of Labor, No. 76-887 (D.D.C. 1977), on motion for in camera inspection (D.D.C 1979), on motion for attorney's fees, 1 GDS ¶81,031 (D.D.C. 1979).
(1099)	Agency, agency records	Putney v. The White House Office, No. 78-502-Civ-T-H (M.D. Fla. 1980).
(1100)	(b)(4), (b)(5), (b)(6), executive privilege	Rabbitt v. Department of the Air Force, 383 F. Supp. 1065 (S.D.N.Y. 1974), on motion for reconsideration, 401 F. Supp. 1206 (S.D.N.Y. 1974).
(1101)	(b)(4)	Racal-Milgo Government Systems, Inc. v. SBA, 2 GDS ¶82,082 (D.D.C. 1981).
(1102)	(b)(6)	Raduch v. CIA, No. 75-Civ-3371 (S.D. N.Y. 1978).
(1103)	(b)(5), (b)(7)(C), (b)(7)(D), attorney work-product privilege	Radowich v. United States Attorney, 501 F. Supp. 284 (D. Md. 1980), rev'd & remanded, 658 F.2d 957 (4th Cir. 1981).
(1104)	(b)(7)(C), duty to search, exhaustion of administrative remedies	Rafter v. FBI, No. 77-Civ-1131 (S.D. N.Y. 1977).
(1105)	Vaughn index	Railton v. Department of Labor, 2 GDS ¶81,066 (D.D.C. 1981).
(1106)	(b)(2), (b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(C), duty to create a record	Rakosi v. IRS, 2 GDS ¶81,271 (D. Ariz. 1981).
(1107)	(b)(7)(A), (b)(7)(C)	Ralston Purina Co. v. NLRB, 84 Lab. Cas. (CCH) ¶10,737 (W.D. Mich. 1978).

(1108)	(a)(1)(D), (a)(2)(B), mootness, publication	Ramer v. Saxbe, 522 F.2d 695 (D.C. Cir. 1975).
(1109)	(b)(7), (b)(7)(C), (b)(7)(D), burden of proof, duty to search, investigatory records, law enforcement purpose	Ramo v. Department of the Navy, 487 F. Supp. 127 (N.D. Cal. 1979), aff'd, ___ F.2d ___ (9th Cir. Sept. 15, 1982) (No. 79-4791).
(1110)	(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(F), agency records (judicial branch records not agency records), adequacy of request	Rastelli v. Civiletti, 1 GDS ¶80,154 (D.D.C. 1980), on motion for summary judgment, 1 GDS ¶81,046 (D.D.C. 1980).
(1111)	Privacy Act access, (b)(1)	Raven v. Panama Canal Co., 583 F.2d 169 (5th Cir. 1978), cert. denied, 440 U.S. 980 (1979).
(1112)	(b)(1), (b)(3), 50 U.S.C. §403, in camera inspection	Ray v. Bush, 41 Ad.L.2d (P&F) 28 (D.D.C. 1977).
(1113)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6), adequacy of agency affidavit, de novo review, in camera inspection, Vaughn index	Ray v. Turner, 468 F. Supp. 730 (D.D.C. 1978), rev'd, 587 F.2d 1187 (D.C. Cir. 1978).
(1114)	(b)(5), (b)(7)	Rayner & Stonington, Inc. v. FDA, No. 68-1995 (E.D. Pa. 1969).
(1115)	(b)(7)(A), agency records, burden of proof, Vaughn index	RCA Global Communications, Inc. v. FCC, 524 F. Supp. 579 (D. Del. 1981), motion for detailed Vaughn index denied, 2 GDS ¶82,096 (D. Del. 1981).
(1116)	Adequacy of agency affidavit, in camera inspection, proper party defendant	Reader's Digest Ass'n v. FBI, 524 F. Supp. 591 (S.D.N.Y. 1981).
(1117)	(b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim	Read's, Inc. v. NLRB, 91 L.R.R.M. 2722 (D. Md. 1976).
(1118)	Exceptional circumstances/due diligence, exhaustion of administrative remedies	Reagan Bush Committee v. Federal Election Comm'n, 525 F. Supp. 1330 (D.D.C. 1981).
(1119)	(b)(7)(A)	Red Food Stores, Inc. v. NLRB, 604 F.2d 324 (5th Cir. 1979).
(1120)	Privacy Act access, (b)(7)(D), discovery/FOIA interface	Reeves v. DOJ, No. 78-0329 (D. Hawaii 1978), subsequent decision, 3 GDS ¶82,395 (D. Hawaii 1981), motion for partial reconsideration denied (D. Hawaii 1981).

(1121)	Equitable discretion	Register Publishing Co. v. NLRB, No. 78-0036 (W.D. Va. 1978).
(1122)	(b)(5)	Regular Common Carrier Conference, Inc. v. ICC, 1 GDS ¶79,137 (D.D.C. 1979).
(1123)	Privacy Act access, duty to search	Reichstein v. United States, No. 80-2567 (D.D.C. 1981).
(1124)	Fees	Reinoehl v. Hershey, 426 F.2d 815 (9th Cir. 1970).
(1125)	Discovery in FOIA litigation, Vaughn index	Reporters Committee for Freedom of the Press v. DOJ, 2 GDS ¶81,374 (D.D.C. 1981).
(1126)	Agency, agency records (personal records not agency records), improper withholding	Reporters Committee for Freedom of the Press v. Vance, 442 F. Supp. 383 (D.D.C. 1977), aff'd, 589 F.2d 1116 (D.C. Cir. 1978), aff'd in part, rev'd in part sub nom. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980).
(1127)	(b)(3), 47 U.S.C. §605	Reston v. FCC, 492 F. Supp. 697 (D.D.C. 1980).
(1128)	(b)(5), (b)(7)(C), attorney's fees, in camera inspection	Retail Credit Co. v. FTC, No. 75-0895 (D.D.C. 1976), on motion for attorney's fees, 39 Ad.L.2d (P&F) 1016 (D.D.C. 1976).
(1129)	(a)(1)	Reynolds Metal Co. v. Rumsfeld, 417 F. Supp. 365 (E.D. Va. 1976), aff'd in part, rev'd in part, 564 F.2d 663 (4th Cir. 1977), cert. denied, 435 U.S. 995 (1978).
(1130)	Attorney's fees	Richard v. IRS, 519 F. Supp. 924 (N.D. Ill. 1979).
(1131)	(b)(4), promise of confidentiality	Richards v. USDA, No. 80-0080 (E.D. Ky. 1980), on reconsideration (E.D. Ky. 1981).
(1132)	(b)(1), E.O. 11652, (b)(3), 50 U.S.C. §403	Richardson v. Spahr, 416 F. Supp. 752 (W.D. Pa. 1976), aff'd, 547 F.2d 1163 (3d Cir. 1976), cert. denied, 434 U.S. 830 (1977).
(1133)	Attorney's fees	Ridley v. Director, United States Secret Service, 1 GDS ¶80,165 (D.D.C. 1980), aff'd in part, rev'd in part & remanded, No. 80-1816 (D.C. Cir. 1981), on remand, 2 GDS ¶82,176 (D.D.C. 1982).
(1134)	(b)(3), 15 U.S.C. §57b-2(f)	Rigler v. FTC, 2 GDS ¶81,081 (D.D.C. 1981).
(1135)	Exceptional circumstances/due diligence, prompt disclosure, proper party defendant	Rivera v. DEA, 2 GDS ¶81,365 (D.D.C. 1981).

(1136)	Exhaustion of administrative remedies	Rivera v. Ford, 440 F. Supp. 732 (D.P.R. 1977).
(1137)	Fee waiver, improper withholding, de novo review	Rizzo v. Tyler, 438 F. Supp. 895 (S.D.N.Y. 1977).
(1138)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), exhaustion of administrative remedies	Robbins Tire & Rubber Co. v. NLRB, 92 L.R.R.M. 2586 (M.D. Ala. 1976), aff'd, 563 F.2d 724 (5th Cir. 1977), rev'd, 437 U.S. 214 (1978).
(1139)	(b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000(e), (b)(6), jurisdiction	Robertson v. DOD, 402 F. Supp. 1342 (D.D.C. 1975).
(1140)	(b)(3), 49 U.S.C. §1504	Robertson v. FAA, No. 71-1970 (D.D.C. 1972), aff'd sub nom. Robertson v. Butterfield, 498 F.2d 1031 (D.C. Cir. 1974), rev'd, 422 U.S. 255 (1975).
(1141)	(b)(5), executive privilege	Robertson v. IRS, 1 GDS ¶80,184 (M.D. N.C. 1980).
(1142)	FOIA as a discovery tool	Robins & Weill, Inc. v. United States, 63 F.R.D. 73 (M.D.N.C. 1974).
(1143)	Attorney's fees, exceptional circumstances/due diligence, proper party defendant	Robinson v. Department of Labor, 3 GDS ¶82,275 (D. Or. 1980), attorney's fees awarded, 3 GDS ¶82,276 (D. Or. 1981).
(1144)	(b)(7)(D), publication, waiver of exemption	Robinson v. FBI, 2 GDS ¶82,136 (D.D.C. 1982).
(1145)	(b)(7)(C), proper party defendant	Robinson v. Shea, 2 GDS ¶82,075 (D.D.C. 1981).
(1146)	(b)(4), (b)(6), promise of confidentiality	Robles v. EPA, 484 F.2d 843 (4th Cir. 1973).
(1147)	Agency	Rocap v. Indiek, 539 F.2d 174 (D.C. Cir. 1976).
(1148)	Executive privilege	Rodgers v. Hyatt, 91 F.R.D. 399 (D. Colo. 1980).
(1149)	(a)(1)(D)	Rodriquez v. Swank, 318 F. Supp. 289 (N.D. Ill. 1970) (three-judge court), aff'd mem., 403 U.S. 901 (1971).
(1150)	Duty to search	Rose v. Commodity Futures Trading Comm'n, No. 79-C-3459 (N.D. Ill. 1980).
(1151)	(b)(2), (b)(6), reasonably segre-	Rose v. Department of the Air Force, No. 72-CIV-1605-LMR (S.D.N.Y. 1972), rev'd & remanded, 495 F.2d 261 (2d Cir. 1974), aff'd, 425 U.S. 352 (1976), on remand (S.D.N.Y. 1977).

(1152)	Proper party defendant	Rosenberg v. SEC, No. 77-1141 (D.D.C. 1979).
(1153)	(b)(5), executive privilege	Rosenthal & Schanfield v. IRS, 1 GDS ¶80,183 (N.D. Ill. 1980).
(1154)	Adequacy of agency affidavit, attorney's fees, in camera inspection	Roy Brothers Carpentry v. Marshall, 2 GDS ¶81,211 (D. Conn. 1981), on motion for attorney's fees, 2 GDS ¶81,212 (D. Conn. 1981).
(1155)	Reverse FOIA, (b)(4)	Rubbermaid, Inc. v. Kleppe, 14 Fair Empl. Prac. Cas. (BNA) 1422 (D. Md. 1976).
(1156)	(b)(7), adequacy of agency affidavit	Ruffalo v. Civiletti, 539 F. Supp. 949 (W.D. Mo. 1982).
(1157)	(a)(2), (b)(4), (b)(6), (b)(7)	Rural Housing Alliance v. USDA, No. 72-2450 (D.D.C. 1973), rev'd & remanded, 498 F.2d 73 (D.C. Cir. 1973), on bill of costs, 511 F.2d 1347 (D.C. Cir. 1974).
(1158)	(b)(1), E.O. 12065, duty to search, fee waiver, Vaughn index	Rush v. DOJ, 2 GDS ¶82,078 (D.D.C. 1981), subsequent decision, 3 GDS ¶82,309 (D.D.C. 1982).
(1159)	(b)(6), (b)(7)(C), "Glomar" denial	Rushford v. Civiletti, 485 F. Supp. 477 (D.D.C. 1980), aff'd mem., 656 F.2d 900 (D.C. Cir. 1981).
(1160)	(b)(5), executive privilege	Russell v. Department of the Air Force, 2 GDS ¶81,235 (D.D.C. 1981), aff'd, 682 F.2d 1045 (D.C. Cir. 1982).
(1161)	(b)(7)	Russell Stover Candies, Inc. v. NLRB, 77 Lab. Cas. (CCH) ¶11,006 (W.D. Mo. 1975).
(1162)	(b)(5), (b)(6), agency, agency records, waiver of exemption (failure to assert in litigation)	Ryan v. DOJ, 474 F. Supp. 735 (D.D.C. 1979), rev'd, 617 F.2d 781 (D.C. Cir. 1980).
(1163)	Privacy Act access, (b)(5), (b)(7)(A)	Ryan v. DOJ, 595 F.2d 954 (4th Cir. 1979).
(1164)	Attorney's fees	Sabalos v. Regan, 520 F. Supp. 1069 (E.D. Va. 1981).
(1165)	Injunction of agency proceeding pending resolution of FOIA claim	St. Elizabeth's Hospital v. NLRB, 407 F. Supp. 1357 (N.D. Ill. 1976).
(1166)	(a)(1), (a)(1)(D)	St. Elizabeth's Hospital v. United States, 558 F.2d 8 (Ct. Cl. 1977).
(1167)	(a)(1), (a)(2)(C)	St. Francis Memorial Hospital v. Weinberger, 413 F. Supp. 323 (N.D. Cal. 1976).

(1168)	(b)(4), discretionary release	St. Joseph's Hospital v. Blue Cross, 489 F. Supp. 1052 (N.D.N.Y. 1979), aff'd mem., 614 F.2d 1290 (2d Cir. 1979), cert. denied, 445 U.S. 962 (1980).
(1169)	(b)(1), E.O. 11652, (b)(3), 50 U.S.C. §403, (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), in camera inspection, Vaughn index	St. Louis Post-Dispatch v. FBI, 447 F. Supp. 31 (D.D.C. 1977).
(1170)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, nexus test	St. Mary's Hospital, Inc. v. Califano, 462 F. Supp. 315 (S.D. Fla. 1979), aff'd sub nom. St. Mary's Hospital, Inc. v. Harris, 604 F.2d 407 (5th Cir. 1979).
(1171)	Agency	St. Mary's Hospital v. Philadelphia Professional Standards Review Organization, 1 GDS ¶80,186 (E.D. Pa. 1980).
(1172)	Reverse FOIA, agency	St. Michael's Convalescent Hospital v. State of California, 643 F.2d 1369 (9th Cir. 1981).
(1173)	Reverse FOIA, (b)(4), promise of confidentiality	St. Paul's Benevolent Education & Missionary Institute v. United States, 506 F. Supp. 822 (N.D. Ga. 1980), decision on costs, 2 GDS ¶81,247 (N.D. Ga. 1980).
(1174)	(b)(5), leaks, waiver of exemption (unauthorized release)	Safeway Stores, Inc. v. FTC, 428 F. Supp. 346 (D.D.C. 1977).
(1175)	(b)(1), E.O. 12065, adequacy of agency affidavit, "mosaic"	Salisbury v. United States, No. 80-909 (D.D.C. 1981), aff'd, ___ F.2d ___ (D.C. Cir. Sept. 21, 1982) (No. 81-1657).
(1176)	Vaughn index	Salkin v. Kurtz, No. 79-C-3953 (N.D. Ill. 1980).
(1177)	(b)(3), 26 U.S.C. §6103	Sams v. IRS, No. C-80-1569A (N.D. Ga. 1981).
(1178)	(b)(7)(C), (b)(7)(D), reasonably segregable	Sands v. Murphy, No. 78-448-D (D. N.H. 1979), on motion for summary judgment, 2 GDS ¶82,150 (D.N.H. 1980), aff'd, 633 F.2d 968 (1st Cir. 1980).
(1179)	Agency records, duty to search	Santoro v. Attorney General of the United States, No. 76-1803-(GLG) (S.D.N.Y. 1976).
(1180)	Exhaustion of administrative remedies	Satra Belarus, Inc. v. NLRB, 409 F. Supp. 271 (E.D. Wis. 1976).
(1181)	(b)(7)(C), (b)(7)(D), reasonably segregable	Saunders v. Dogin, No. CV-75-4109-MML (C.D. Cal. 1977).

(1182)	Reverse FOIA, (b)(4), promise of confidentiality, agency records	Save the Dolphins v. Department of Commerce, 404 F. Supp. 407 (N.D. Cal. 1975).
(1183)	Privacy Act access, (b)(3), 50 U.S.C. §403, (b)(6)	Schacht v. FBI, No. 77-0269-N (S.D. Cal. 1979).
(1184)	(b)(1), E.O. 11652, discovery in FOIA litigation	Schaffer v. Kissinger, 505 F.2d 389 (D.C. Cir. 1974).
(1185)	(b)(1), E.O. 12065, in camera affidavit, duty to create a record	Schechter v. NSA, 2 GDS ¶82,094 (D. Mass. 1981).
(1186)	(b)(3), 42 U.S.C. §1306	Schechter v. Richardson, No. 72-710 (D.D.C. 1972).
(1187)	(b)(3), 42 U.S.C. §1306	Schechter v. Weinberger, No. 72-2319 (D.D.C. 1973), rev'd & remanded, 506 F.2d 1275 (D.C. Cir. 1974).
(1188)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), proper party defendant	Scherer v. Kelley, 584 F.2d 170 (7th Cir. 1978), cert. denied, 440 U.S. 964 (1979).
(1189)	Privacy Act access, (b)(7)(C), (b)(7)(D)	Schiller v. Webster, 3 GDS ¶82,263 (E.D.N.Y. 1980).
(1190)	(b)(5), executive privilege	Schlefer v. United States, 3 GDS ¶82,294 (D.D.C. 1982).
(1191)	(b)(6), similar files	Schonberger v. National Transportation Safety Board, 508 F. Supp. 941 (D.D.C. 1980), subsequent decision, 2 GDS ¶81,177 (D.D.C. 1981), aff'd, No. 81-1442 (D.C. Cir. 1981).
(1192)	Adequacy of request, attorney's fees, exhaustion of administrative remedies, jurisdiction	Schott v. EPA, No. C-78-639-A (N.D. Ohio 1979).
(1193)	Agency records (Congressional records not agency records)	Schwartz v. DOJ, 435 F. Supp. 1203 (D.D.C. 1977), aff'd, 595 F.2d 888 (D.C. Cir. 1979).
(1194)	(b)(5)	Schwartz v. IRS, 75-1 U.S. Tax Cas. ¶9389 (D.D.C. 1974), motion for clarification granted, 511 F.2d 1303 (D.C. Cir. 1975).
(1195)	(b)(5)	Scott Management Co. v. NLRB, 626 F.2d 1327 (6th Cir. 1980).
(1196)	(b)(3), 42 U.S.C. §275, agency records	SDC Development Corp. v. Weinberger, No. CV-75-1799-IH (C.D. Cal. 1975), aff'd sub nom. SDC Development Corp. v. Mathews, 542 F.2d 1116 (9th Cir. 1976).

(1197)	FOIA as a discovery tool, mootness	Seafarers International Union, AFL-CIO v. Baldovin, 508 F.2d 125 (5th Cir. 1975), vacated, 511 F.2d 1161 (5th Cir. 1975).
(1198)	(b)(4), (b)(6)	Seal-Land Service, Inc. v. Rogers, 11 Empl. Prac. Dec. (CCH) ¶10,646 (D.D.C. 1976), subsequent decision, 11 Empl. Prac. Dec. (CCH) ¶10,792 (D.D.C. 1976).
(1199)	FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim	Sealand Terminal Corp. v. NLRB, 414 F. Supp. 1085 (S.D. Miss. 1976).
(1200)	(b)(3), 35 U.S.C. §122, (b)(4), agency records	Sears v. Gottschalk, 357 F. Supp. 1327 (E.D. Va. 1973), aff'd, 502 F.2d 122 (4th Cir. 1974), cert. denied, 422 U.S. 1056 (1975), rehearing denied, 423 U.S. 885 (1975).
(1201)	Reverse FOIA, (b)(3), 18 U.S.C. §1905	Sears, Roebuck & Co. v. Eckerd, 575 F.2d 1197 (7th Cir. 1978), vacated, 441 U.S. 918 (1979), on remand, 600 F.2d 1237 (7th Cir. 1979).
(1202)	(a)(1), 42 U.S.C. §2000(e)	Sears, Roebuck & Co. v. EEOC, 435 F. Supp. 751 (D.D.C. 1977).
(1203)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), (b)(6), (b)(7), burden of proof, de novo review	Sears, Roebuck & Co. v. GSA, 384 F. Supp. 996 (D.D.C. 1974), stay dissolved, 509 F.2d 527 (D.C. Cir. 1974), summary judgment granted, 402 F. Supp. 378 (D.D.C. 1975), remanded, 553 F.2d 1378 (D.C. Cir. 1977), cert. denied, 434 U.S. 826 (1979).
(1204)	Jurisdiction	Sears, Roebuck & Co. v. NLRB, 433 F.2d 210 (6th Cir. 1970).
(1205)	(a)(2)(A), (b)(5), (b)(7), executive privilege	Sears, Roebuck & Co. v. NLRB, 346 F. Supp. 751 (D.D.C. 1972), aff'd, 480 F.2d 1195 (D.C. Cir. 1973), aff'd in part, rev'd in part & remanded, 421 U.S. 132 (1975).
(1206)	Injunction of agency proceeding pending resolution of FOIA claim	Sears, Roebuck & Co. v. NLRB, 473 F.2d 91 (D.C. Cir. 1972), cert. denied, 415 U.S. 950 (1974).
(1207)	(b)(5)	Seattle Building & Construction Trades Council, AFL-CIO v. Henderson, 82 L.R.R.M. 2362 (W.D. Wash. 1973).
(1208)	FOIA as a discovery tool	Secretary of Labor v. Farino, 490 F.2d 885 (7th Cir. 1973).
(1209)	Agency subpoenas	SEC v. Boeing Co., [1975-76 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶95,442 (D.D.C. 1976).

(1210)	(b)(5), (b)(7), discovery/FOIA interface	SEC v. Geotek, [1974-75 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶95,039 (N.D. Cal. 1975).
(1211)	Agency subpoenas	SEC v. Lockheed Aircraft Corp., 404 F. Supp. 651 (D.D.C. 1975).
(1212)	(b)(5), discovery/ FOIA interface	SEC v. National Student Marketing Corp., [1973-74 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶94,610 (D.D.C. 1974).
(1213)	Agency subpoenas	SEC v. Wheeling-Pittsburgh Steel Corp., 482 F. Supp. 555 (W.D. Pa. 1979).
(1214)	(b)(5), (b)(6)	Seiler v. DOT, No. 73-CV-143-C (W.D. Mo. 1975).
(1215)	(b)(5)	Sellers v. Kelley, No. C-75-1458-A (N.D. Ga. 1976).
(1216)	Fee waiver	Sellers v. Webster, 2 GDS ¶81,243 (S.D. Ill. 1980).
(1217)	(b)(1), (b)(3), 40 U.S.C. §403, (b)(6), duty to search, referral of request to another agency, Vaughn index	Serbian Eastern Orthodox Diocese v. CIA, 458 F. Supp. 798 (D.D.C. 1978).
(1218)	(b)(1), (b)(2), (b)(3), 5 U.S.C. §551, (b)(7)(C), (b)(7)(D), (b)(7)(E), Vaughn index	Serbian Eastern Orthodox Diocese v. FBI, No. 77-1404 (D.D.C. 1978).
(1219)	(b)(3), 50 U.S.C. §402	Serbian Eastern Orthodox Diocese v. NSA, No. 78-003 (D.D.C. 1978).
(1220)	(b)(3)	Serchuk v. Richardson, No. 72-1212 (S.D. Fla. 1972).
(1221)	(b)(3), 13 U.S.C. §9	Seymour v. Barabba, 559 F.2d 806 (D.C. Cir. 1977).
(1222)	FOIA as a discovery tool	Shakespeare Co. v. United States, 389 F.2d 772 (Ct. Cl. 1968), petition dismissed, 419 F.2d 839 (Ct. Cl. 1969), cert. denied, 400 U.S. 820 (1970).
(1223)	(b)(7)(C), (b)(7)(D), attorney work-product privilege, in camera inspection	Shapiro v. DOJ, 2 GDS ¶81,025 (S.D. Cal. 1980), upon in camera inspection, 2 GDS ¶82,086 (S.D. Cal. 1980), aff'd, No. 80-5481 (9th Cir. 1981).
(1224)	(b)(3), 13 U.S.C. §9	Shapiro v. Klutznick, 2 GDS ¶81,143 (D.N.J. 1980), aff'd, 636 F.2d 1210, (3d Cir. 1981), rev'd sub nom. Baldrige v. Shapiro, 102 S.Ct. 1103 (1982).
(1225)	Agency	Sharp v. FDIC, No. 75-1428 (D.D.C. 1975).

(1226)	(b)(8), discovery in FOIA litigation, duty to search, Vaughn index	Sharp v. FDIC, 2 GDS ¶81,107 (D.D.C. 1981).
(1227)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F)	Shaver v. Levi, 433 F. Supp. 438 (N.D. Ga. 1977).
(1228)	Exceptional circumstances/due diligence	Shaw v. Department of State, 1 GDS ¶80,250 (D.D.C. 1980).
(1229)	(b)(3), 18 U.S.C. §1905	Shell Oil Co. v. DOE, 477 F. Supp. 413 (D. Del. 1979), aff'd, 631 F.2d 231 (3d Cir. 1980), cert. denied, 450 U.S. 1024 (1981).
(1230)	(b)(7), investigatory records	Shell Oil Co. v. Udall, No. 67-C-321 (D. Colo. 1967).
(1231)	Exhaustion of administrative remedies, failure to meet time limits	Shelton v. United States, 2 GDS ¶81,074 (W.D. Wash. 1980).
(1232)	Injunction of agency proceeding pending resolution of FOIA claim	Sheraton Inn v. NLRB, 84 L.R.R.M. 2385 (D.D.C. 1973).
(1233)	Privacy Act access, (a)(2)(A), (a)(4)(A), (a)(6)(B), (b)(3), 18 U.S.C. §1905, (b)(4), (b)(5), attorney's fees, exhaustion of administrative remedies, fees	Shermco Industries, Inc. v. Department of the Air Force, 452 F. Supp. 306 (N.D. Tex. 1978), rev'd, 613 F.2d 1314 (5th Cir. 1980).
(1234)	(b)(7)	Shouse v. Burris, No. CV-475-198 (S.D. Ga. 1975).
(1235)	Jurisdiction	Shull v. United States, 2 GDS ¶82,146 (Ct. Cl. 1982).
(1236)	(b)(7), law enforcement purpose	Shultz v. Hotel & Restaurant Employees, 64 Lab. Cas. (CCH) ¶11,363 (S.D.N.Y. 1970).
(1237)	(b)(1), (b)(3), 50 U.S.C. app. §2027, (b)(5), adequacy of agency affidavit, agency records	Siemens Corp. v. DOD, No. 78-0385 (D.D.C. 1979).
(1238)	(b)(5)	Sierra Club v. Morton, 395 F. Supp. 1187 (D.D.C. 1975), aff'd in part, rev'd in part, 581 F.2d 895 (D.C. Cir. 1978), rev'd, 442 U.S. 347 (1979).
(1239)	Vaughn index	Simons v. Semrick, No. H-77-1487 (S.D. Tex. 1978).
(1240)	(b)(5)	Simons-Eastern Co. v. United States, 55 F.R.D. 88 (N.D. Ga. 1972).

(1241)	(b)(6), similar files, reasonably segregable	Simpson v. Department of State, No. 79-0674 (D.D.C. 1979), rev'd sub nom. Simpson v. Vance, 648 F.2d 10 (D.C. Cir. 1980), remanded sua sponte mem., No. 79-1889 (D.C. Cir. 1981), on remand, 2 GDS ¶81,280 (D.D.C. 1981).
(1242)	(b)(7)(C), (b)(7)(D), attorney's fees	Simpson v. FBI, 3 GDS ¶82,404 (D.D.C. 1982).
(1243)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6), burden of proof, similar files	Sims v. CIA, 479 F. Supp. 84 (D.D.C. 1979), on motion for summary judgment (D.D.C. 1979), aff'd in part, rev'd in part, 642 F.2d 562 (D.C. Cir. 1980), on remand, 2 GDS ¶82,087 (D.D.C. 1981).
(1244)	Adequacy of agency affidavit, discovery in FOIA litigation, no record within scope of request	Sinclair v. INS, 1 GDS ¶80,273 (D.D.C. 1980).
(1245)	Attorney's fees	Sira v. Department of the Air Force, No. 78-1853 (C.D. Cal.), aff'd mem., 618 F.2d 117 (9th Cir. 1980).
(1246)	(b)(1), (b)(3), 50 U.S.C. §403, "Glomar" denial	Sirota v. CIA, No. 80-CIV-2050 (S.D. N.Y. 1981).
(1247)	(b)(3), 26 U.S.C. §6103, (b)(7)(A)	Sizemore v. IRS, 2 GDS ¶82,095 (N.D. Tex. 1980).
(1248)	(b)(4)	Skaggs v. United States, 3 GDS ¶82,287 (S.D. Ind. 1980).
(1249)	(b)(5), executive privilege, incorporation by reference	Skelton v. United States Postal Service, 2 GDS ¶82,104 (N.D. Tex. 1981), aff'd, 678 F.2d 35 (5th Cir. 1982).
(1250)	Proper party defendant	Skolnick v. Campbell, 454 F.2d 531 (7th Cir. 1971).
(1251)	Agency	Skolnick v. Kerner, 435 F.2d 694 (7th Cir. 1970).
(1252)	Jurisdiction	Skolnick v. Parsons, 397 F.2d 523 (7th Cir. 1968).
(1253)	(b)(5), agency records, attorney work-product privilege, attorney-client privilege, executive privilege	Slack v. FTC, 1980-81 Trade Cas. (CCH) ¶63,722 (D. Mass. 1980).
(1254)	(a)(2)(C), (b)(2), (b)(7)(E), interaction of (a)(2) and (a)(3)	Sladek v. Bensinger, 605 F.2d 899 (5th Cir. 1979), rehearing denied, 618 F.2d 781 (5th Cir. 1980).
(1255)	(b)(3), 26 U.S.C. §6103	Slotnick v. IRS, No. 77-1341 (1st Cir. 1977).

(1256)	Privacy Act access, FOIA/PA interface	Smiertka v. Department of the Treasury, 447 F. Supp. 221 (D.D.C. 1978), rev'd, 604 F.2d 698 (D.C. Cir. 1979).
(1257)	Adequacy of agency affidavit, attorney's fees, no record within scope of request	Smith v. CIA, 2 GDS ¶81,242 (D.D.C. 1981), on motion for attorney's fees, 2 GDS ¶81,278 (D.D.C. 1981).
(1258)	Duty to search	Smith v. DOJ, 2 GDS ¶82,060 (D.D.C. 1981).
(1259)	Duty to search	Smith v. Department of State, 3 GDS ¶82,282 (D.D.C. 1982).
(1260)	(b)(7)(C), (b)(7)(D)	Smith v. FBI, 2 GDS ¶81,283 (D.D.C. 1981).
(1261)	Exhaustion of administrative remedies	Smith v. Fenton, 424 F. Supp. 792 (E.D. Ill. 1976).
(1262)	(b)(2), (b)(5), (b)(6), (b)(7)(D), agency records (judicial branch records not agency records), Vaughn index	Smith v. Flaherty, 465 F. Supp. 815 (M.D. Pa. 1978).
(1263)	Agency	Smith v. International Criminal Police Organization, 2 GDS ¶82,219 (D.D.C. 1982).
(1264)	Privacy Act access, exhaustion of administrative remedies	Smith v. Secretary of the Army, 2 GDS ¶81,059 (M.D. Ala. 1979).
(1265)	Exhaustion of administrative remedies	Smith v. Switzer, 73-2 U.S.T.C. ¶9,490 (W.D. Pa. 1973).
(1266)	(b)(2), (b)(7), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit, assurance of confidentiality, duty to search, law enforcement purpose	Smith v. United States Customs Service, 2 GDS ¶81,284 (D.D.C. 1981), subsequent decision, No. 80-2945 (D.D.C. 1982), on motion for summary judgment (D.D.C. 1982).
(1267)	(b)(3), 22 U.S.C. §1461	Smith v. United States Information Agency, No. C-76-483S (W.D. Wash. 1978).
(1268)	Fee waiver	Sneed v. Bresson, 1 GDS ¶79,143 (W.D. N.C. 1979), aff'd, No. 79-1800 (4th Cir. 1980).
(1269)	Attorney's fees	Solomon v. IRS, 1 GDS ¶79,193 (D.D.C. 1979).
(1270)	(b)(4), (b)(6), promise of confidentiality	Sonderegger v. Department of the Interior, 424 F. Supp. 847 (D. Idaho 1976).
(1271)	(b)(4), (b)(5), agency, equitable discretion	Soucie v. David, 448 F.2d 1067 (D.C. Cir. 1971).

(1272)	(b)(7)(A), FOIA as a discovery tool, proper party defendant	Southern Baptist Hospital v. EEOC, No. 80-3972 (E.D. La. 1980), on motion for summary judgment (E.D. La. 1982).
(1273)	(b)(7)(A), proper party defendant	Southern Imperial Coating Corp. v. EEOC, No. 80-4582 (E.D. La. 1981).
(1274)	(b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), attorney's fees	Southern Plastics, Inc. v. NLRB, No. 78-0124 (W.D. La. 1978).
(1275)	(b)(4)	Southwest Florida Winter Vegetable Growers Ass'n v. Miller, 3 GDS ¶82,269 (D.D.C. 1980).
(1276)	Injunction of agency proceeding pending resolution of FOIA claim	Southwest Motor Freight, Inc. v. NLRB, 411 F. Supp. 1019 (E.D. Tenn. 1976).
(1277)	Exceptional circumstances/due diligence, proper party defendant	Spectator Publishing Co. v. CIA, No. 78-CIV-1708-(WCC) (S.D.N.Y. 1979).
(1278)	Reverse FOIA, (b)(3), 18 U.S.C. §1905	Sperry Univac Division v. Baldrige, No. 82-0045-A (E.D. Va. 1982).
(1279)	Venue	Sprentz v. FBI, 3 GDS ¶82,271 (D. Conn. 1980).
(1280)	Agency records	Stassi v. DOJ, No. 78-0532 (D.D.C. 1979).
(1281)	(b)(7)(C), (b)(7)(D)	Stassi v. DOJ, No. 78-0534 (D.D.C. 1979).
(1282)	(b)(2), (b)(3), Fed.R.Crim.Pro. 6(e), (b)(7)(C), (b)(7)(D), (b)(7)(F), duty to disclose	Stassi v. DOJ, No. 78-0536 (D.D.C. 1979).
(1283)	Adequacy of agency affidavit	Stassi v. DOJ, No. 78-0967 (D.D.C. 1978).
(1284)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), agency records	Stassi v. Department of the Treasury, No. 78-533 (D.D.C. 1979).
(1285)	Agency	State of Arkansas v. Schulze, No. PB-CR-78-11 (E.D. Ark. 1979).
(1286)	(b)(5)	State of Delaware v. NOAA, No. 80-0565 (D.D.C. 1980).

(1287)	(b)(3), 26 U.S.C. §6103, (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), assurance of confidentiality, law enforcement purpose, similar files	Stamas v. IRS, 516 F. Supp. 1218 (D.D.C. 1981).
(1288)	(b)(4), (b)(7)	Steadman Security Corp. v. SEC, [1973-74 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶93,735 (D.D.C. 1973).
(1289)	Adequacy of request, agency	Stebbins v. National Railroad Passenger Corp., 3 GDS ¶82,298 (D.D.C. 1982), aff'd, 3 GDS ¶82,302 (D.C. Cir. 1982) (consolidated).
(1290)	Agency, improper withholding	Stebbins v. National Railroad Passenger Corp., 2 GDS ¶82,074 (D.D.C. 1981), motion for reconsideration denied, 2 GDS ¶82,233 (D.D.C. 1982), aff'd, 3 GDS ¶82,302 (D.C. Cir. 1982) (consolidated).
(1291)	Vaughn index	Steenland v. CIA, No. Civ-76-548 (W.D.N.Y. 1978).
(1292)	(b)(1), E.O. 11652, E.O. 12065, (b)(7)(C), (b)(7)(D), attorney's fees, discretionary release, in camera affidavit, in camera inspection, mootness, waiver of exemption	Stein v. DOJ, No. 77-C-914 (N.D. Ill. 1979), aff'd in part, rev'd in part, 662 F.2d 1245 (7th Cir. 1981).
(1293)	(b)(7)(A), Vaughn index	Steinberg v. IRS, 463 F. Supp. 1272 (S.D. Fla. 1979).
(1294)	(b)(5), (b)(6)	Stemmer v. Department of the Army, No. 79-2617 (E.D. Pa. 1976).
(1295)	(b)(3), 26 U.S.C. §6103, (b)(7)(A), adequacy of agency affidavit, in camera inspection, proper party defendant	Stephenson v. IRS, No. C78-1071A (N.D. Ga. 1979), rev'd, 629 F.2d 1140 (5th Cir. 1980).
(1296)	(b)(4), (b)(5)	Sterling Drug, Inc. v. FTC, 450 F.2d 698 (D.C. Cir. 1971).
(1297)	(b)(5), adequacy of agency affidavit, attorney-client privilege, attorney work-product privilege, executive privilege, in camera inspection, reasonably segregable	Sterling Drug, Inc. v. Harris, 488 F. Supp. 1019 (S.D.N.Y. 1980).

(1298)	Duty to search, exceptional circumstances/due diligence, exhaustion of administrative remedies, failure to meet time limits	Stern v. DOJ, 29 Fed.R.Serv.2d 1062 (D. Mass. 1980).
(1299)	(b)(2), (b)(5), (b)(7)	Stern v. Richardson, 367 F. Supp. 1316 (D.D.C. 1973).
(1300)	(b)(6), (b)(7), (b)(7)(C), law enforcement purpose, similar files	Stern v. CBA, 516 F. Supp. 145 (D.D.C. 1980).
(1301)	(b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit, duty to search	Stewart v. CIA, 2 GDS ¶81). (D.D.C. 1981).
(1302)	(b)(7)(C), (b)(7)(D)	Stewart v. FBI, 2 GDS ¶81,219 (D.D.C. 1981).
(1303)	(b)(4)	Stewart v. United States Customs Service, 2 GDS ¶81,148 (D.D.C. 1981).
(1304)	Vaughn Index	Stewart v. United States Parole Comm'n, No. 80-1793-T (D. Mass. 1981).
(1305)	(b)(3), 19 U.S.C. §1677f, (b)(4), exceptional circumstances/due diligence	Stewart-Warner Corp. v. United States Customs Service, 1 GDS ¶81,020 (D.D.C. 1979), on motion for summary judgment, 2 GDS ¶81,279 (D.D.C. 1981).
(1306)	(b)(2), (b)(5)	Stokes v. Hodgson, 347 F. Supp. 1371 (N.D. Ga. 1972), aff'd sub nom. Stokes v. Brennan, 476 F.2d 699 (5th Cir. 1973).
(1307)	(b)(4)	Stone v. Export-Import Bank, No. 74-129 (M.D. Fla. 1975), aff'd, 552 F.2d 132 (5th Cir. 1977), cert. denied, 434 U.S. 1012 (1978).
(1308)	(b)(1), E.O. 12065, adequacy of agency affidavit, burden of proof, in camera inspection	Stonor v. FBI, 2 GDS ¶81,146 (N.D. Ga. 1979), subsequent decision, 2 GDS ¶81,167 (N.D. Ga. 1980).
(1309)	(b)(3), 42 U.S.C. §1306	Strauch v. Weinberger, 399 F. Supp. 702 (D.N.J. 1973), aff'd, 495 F.2d 639 (3d Cir. 1974).
(1310)	(b)(7)(A), (b)(7)(C), (b)(7)(D)	Strook & Strook v. NLRB, 79-Civ-6720-(LBS) (S.D.N.Y. 1981).
(1311)	(b)(2), (b)(5)	Sturgeon v. Department of the Treasury, No. 77-1961 (D.D.C. 1979).
(1312)	Reverse FOIA, (b)(4), (b)(9)	Superior Oil Co. v. Federal Energy Regulatory Comm'n, 563 F.2d 191 (5th Cir. 1977).
(1313)	(b)(5)	Swift v. IRS, 37 A.F.T.R. 2d 76-525 (N.D. Ga. 1975).

(1314)	(b)(5), (b)(6), executive privilege	Swisher v. Department of the Air Force, 495 F. Supp. 337 (W.D. Mo. 1980), aff'd, 660 F.2d 369 (8th Cir. 1981).
(1315)	Reverse FOIA, (b)(4)	Syntex Corp. v. Califano, No. 76-2193 (D.D.C. 1979).
(1316)	(b)(5), executive privilege	Tabcor Sales Clearing, Inc. v. Department of the Treasury, 471 F. Supp. 436 (N.D. Ill. 1979), aff'd mem., No. 79-1401 (7th Cir. 1981).
(1317)	Attorney's fees	Tackett & Schaffner, Inc. v. GSA, No. 77-C-505 (N.D. Ill. 1978).
(1318)	(b)(5)	Talbott Construction Co. v. United States, 49 F.R.D. 68 (E.D. Ky. 1969).
(1319)	(b)(7)(C)	Talnoris v. DOJ, No. C-80-1027 (N.D. Ohio 1981).
(1320)	(b)(7)(A), (b)(7)(C), in camera inspection, Vaughn index	Tarnopol v. FBI, 442 F. Supp. 5 (D.D.C. 1977).
(1321)	Injunction of agency proceeding pending resolution of FOIA claim	Tartan Marine Co. v. NLRB, 446 F. Supp. 1174 (M.D.N.C. 1978).
(1322)	Proper party defendant, jurisdiction	Tate v. Bindseil, 2 GDS ¶82,114 (D.S.C. 1981).
(1323)	(b)(3), 26 U.S.C. §6103, §7213, (b)(5), equitable discretion	Tax Analysts & Advocates v. IRS, 362 F. Supp. 1298 (D.D.C. 1973), modified & remanded, 505 F.2d 350 (D.C. Cir. 1974), on remand, 405 F. Supp. 1065 (D.D.C. 1975).
(1324)	(b)(4), equitable discretion	Tax Reform Research Group v. IRS, 74-1 U.S.T.C. (CCH) ¶9374 (D.D.C. 1974).
(1325)	(b)(3), 26 U.S.C. §6103, §7213, (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), agency records	Tax Reform Research Group v. IRS, 419 F. Supp. 415 (D.D.C. 1976).
(1326)	(a)(2), (b)(5)	Taxation With Representation Fund v. IRS, 485 F. Supp. 263 (D.D.C. 1980), order on motion for reconsideration, 2 GDS ¶81,028 (D.D.C. 1980), aff'd as modified & remanded, 646 F.2d 666 (D.C. Cir. 1981), consent order on remand, 2 GDS ¶81,414 (D.D.C. 1981), superseding order sub nom. Tax Analysts v. IRS, 49 A.F.T.R. 2d 84-421, 2 GDS ¶82,161 (D.D.C. 1981).
(1327)	(b)(1), E.O. 12065, proper party defendant	Taylor v. Department of the Army, 2 GDS ¶82,008 (D.D.C. 1981), rev'd & remanded, 684 F.2d 99 (D.C. Cir. 1982).

(1328)	(b)(4)	Taylor v. Department of the Interior, 2 GDS ¶81,216 (D.D.C. 1981), aff'd, No. 81-1936 (D.C. Cir. 1982).
(1329)	(b)(5), (b)(7)(A)	Taylor Oil Co. v. DOE, 1 GDS ¶80,003 (D.D.C. 1980).
(1330)	Injunction of agency proceeding pending resolution of FOIA claim	Teamsters Local 705 v. NLRB, 82 L.R.R.M. 3014 (D.D.C. 1973).
(1331)	Adequacy of request	Television Wisconsin, Inc. v. NLRB, 410 F. Supp. 999 (W.D. Wis. 1976).
(1332)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), burden of proof	Temple-Eastex, Inc. v. NLRB, 410 F. Supp. 183 (E.D. Tex. 1976).
(1333)	(b)(5)	Tennessean Newspapers, Inc. v. FHA, 341 F. Supp. 1013 (M.D. Tenn. 1971), rev'd, 464 F.2d 657 (6th Cir. 1972).
(1334)	(b)(7)(C), FOIA/PA interface	Tennessean Newspapers, Inc. v. Levi, 403 F. Supp. 1318 (M.D. Tenn. 1975).
(1335)	(b)(1), (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E), FOIA/PA interface, in camera inspection	Terkel v. Kelly, No. 76-C-1626 (N.D. Ill. 1978), aff'd, 599 F.2d 214 (7th Cir. 1979), cert. denied, 444 U.S. 1013 (1980).
(1336)	(b)(5), attorney work-product privilege	Texaco, Inc. v. DOE, 2 GDS ¶81,295 (D.D.C. 1981), on in camera inspection, 2 GDS ¶81,296 (D.D.C. 1981).
(1337)	(b)(4), (b)(5)	Texas Instruments, Inc. v. United States Customs Service, No. 78-2230 (D.D.C. 1979).
(1338)	(b)(2), (b)(5)	Texas Instruments, Inc. v. United States Customs Service, 479 F. Supp. 404 (D.D.C. 1979).
(1339)	Exhaustion of administrative remedies	Theriault v. United States Bureau of Prisons, 2 GDS ¶82,163 (W.D. Tenn. 1981).
(1340)	(b)(1), E.O. 11652, (b)(4), (b)(5), de novo review, executive privilege	Theriault v. United States, 503 F.2d 390 (9th Cir. 1974), on remand, 395 F. Supp. 637 (C.D. Cal. 1975).
(1341)	Preliminary injunction	Thermo King Corp. v. NLRB, 83 Lab. Cas. (CCH) ¶10,630 (N.D. Ga. 1978).
(1342)	Agency	Thomas v. United States, 597 F.2d 656 (8th Cir. 1979).
(1343)	(b)(7)(C), (b)(7)(D)	Thompson v. FBI, No. 80-1593 (8th Cir. 1981).
(1344)	Adequacy of agency affidavit, Vaughn index	Thorstad v. CIA, 494 F. Supp. 500 (S.D.N.Y. 1979).

(1345)	Reverse FOIA	Thrifty Drugstores, Inc. v. FTC, 40 Ad.L.2d (P&F) 108 (D.D.C. 1976).
(1346)	(b)(2), publication	Tietze v. Richardson, 342 F. Supp. 610 (S.D. Tex. 1972).
(1347)	(b)(1), (b)(3), 26 U.S.C. §6103, 50 U.S.C. §403, duty to search, Vaughn index	Tigar & Buffone, P.C. v. CIA, 2 GDS ¶81,172 (D.D.C. 1981), on motion for summary judgment, No. 80-2382 (D.D.C. 1981).
(1348)	(a)(1), (a)(1)(D), (a)(2)(C)	Timber Access Industries Co. v. United States, 553 F.2d 1250 (Ct. Cl. 1977).
(1349)	(b)(1), E.O. 12065, (b)(3), 50 U.S.C. §403, 8 U.S.C. §1202, (b)(6), (b)(7)(D), proper party defendant	Times Newspapers of Great Britain, Inc. v. CIA, 539 F. Supp. 678 (S.D.N.Y. 1982).
(1350)	(b)(4)	Timken Co. v. United States Customs Service, 491 F. Supp. 557 (D.D.C. 1980).
(1351)	(b)(4), (b)(5), (b)(7)(A)	Timken Co. v. United States Customs Service, 531 F. Supp. 194 (D.D.C. 1981).
(1352)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim	Title Guarantee Co. v. NLRB, 407 F. Supp. 498 (S.D.N.Y. 1975), rev'd & remanded, 534 F.2d 484 (2d Cir. 1976), cert. denied, 429 U.S. 834 (1976).
(1353)	(b)(4), (b)(6)	Tobacco Institute v. FTC, No. 67-3035 (D.D.C. 1968).
(1354)	(b)(1), (b)(5), adequacy of agency affidavit, adequacy of request, Vaughn index	Todd Shipyards Corp. v. DOD, 2 GDS ¶81,041 (D.D.C. 1980), on reconsideration, 2 GDS ¶81,067 (D.D.C. 1981).
(1355)	(b)(5)	Todd Shipyards Corp. v. Department of the Navy, 1 GDS ¶80,004 (D.C. Cir. 1979).
(1356)	(b)(1), proper party defendant	Toler v. Carter, No. CV-80-4482-LEW (C.D. Cal. 1981), summary judgment granted, 3 GDS ¶82,382 (C.D. Cal. 1982).
(1357)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E), burden of proof, summary judgment	Tranowski v. United States Secret Service, 2 GDS ¶81,408 (D.D.C. 1980), rev'd & remanded, No. 80-1386 (D.C. Cir. 1981), on remand, 2 GDS ¶81,410 (D.D.C. 1981).

(1358)	(b)(5), (b)(6), agency record, discovery in FOIA litigation, executive privilege	Trans World Airlines, Inc. v. National Mediation Board, Nos. 81-0823, 81-1648 (D.D.C. 1982).
(1359)	Preliminary injunction	Tri-State Culvert Manufacturers, Inc. v. NLRB, 83 Lab. Cas. (CCH) ¶10,606 (N.D. Ga. 1978).
(1360)	(b)(5), attorney work-product privilege	Trohimovich v. IRS, 2 GDS ¶82,139 (W.D. Wash. 1980), aff'd, No. 81-3015 (9th Cir. 1981).
(1361)	(b)(5), attorney work-product privilege	Troxler Hosiery Co., Inc. v. United States, No. C-80-290-G (M.D.N.C. 1981).
(1362)	(b)(7)(A)	Trustees of Boston University v. NLRB, 575 F.2d 301 (1st Cir. 1978), cert. granted, vacated & remanded, 445 U.S. 912 (1980).
(1363)	(a)(1)	TRW, Inc. v. FTC, 647 F.2d 942 (9th Cir. 1981).
(1364)	(b)(6), exhaustion of administrative remedies	Tuchinsky v. Selective Service System, 294 F. Supp. 803 (N.D. Ill. 1969), aff'd, 418 F.2d 155 (7th Cir. 1969).
(1365)	(b)(4), (b)(6), attorney's fees	Tulsa Tribune Co. v. Harris, No. 79-C-525-BT (N.D. Okla. 1980).
(1366)	Dismissal for failure to prosecute	Turner v. Bureau of Alcohol, Tobacco & Firearms, No. 81-0519 (D.D.C. 1982).
(1367)	(b)(7)(C), (b)(7)(D), Vaughn index	Turner v. DOJ, No. 75-2180 (D.D.C. 1977).
(1368)	Venue	Turner v. Kelly, 411 F. Supp. 1331 (D. Kan. 1976).
(1369)	No record within scope of request, duty to search, mootness	Turner v. Schweiker, 2 GDS ¶81,262 (D.D.C. 1981), aff'd, 2 GDS ¶81,311 (D.C. Cir. 1981).
(1370)	(b)(7)(D), burden of proof	T.V. Tower v. Marshall, 444 F. Supp. 1233 (D.D.C. 1978).
(1371)	(b)(3), 50 U.S.C. app. §2411	Twin Coasts Newspaper, Inc. v. Department of Commerce, No. 78-0975 (D.D.C. 1979).
(1372)	Exhaustion of administrative remedies	Tyler v. Defense Supply Agency, No. 76-452-N (E.D. Va. 1977).
(1373)	(b)(1), (b)(7)(C)	Tzaneff v. FBI, 1 GDS ¶79,153 (D.D.C. 1979).
(1374)	(b)(5), reasonably segregable	Union of Concerned Scientists v. NRC, No. 76-370 (D.D.C. 1977).
(1375)	Reverse FOIA, (b)(4)	Union Oil Co. v. FPC, 542 F.2d 1036 (9th Cir. 1976).

(1376)	Mootness	United Shippers, Inc. v. ICC, No. 79-4806 (9th Cir. 1981).
(1377)	(b)(6), (b)(7)(C), agency subpoenas	United States v. Allis-Chalmers Corp., 498 F. Supp. 1027 (E.D. Wis. 1980).
(1378)	In camera inspection	United States v. AT&T Co., No. 76-1712 (D.C. Cir. 1977).
(1379)	(b)(5), attorney-client privilege, attorney work-product privilege, discovery/FOIA interface, waiver of exemption (administrative release)	United States v. AT&T Co., No. 74-1698 (D.D.C. 1980), rev'd, 642 F.2d 1285 (D.C. Cir. 1980).
(1380)	(a)(1)	United States v. Anaconda Co., 445 F. Supp. 486 (D.D.C. 1977).
(1381)	FOIA as a discovery tool, exhaustion of administrative remedies	United States v. Brown, 562 F.2d 1144 (9th Cir. 1977).
(1382)	(b)(7)	United States v. Buckley, 586 F.2d 498 (5th Cir. 1978), cert. denied, 440 U.S. 982 (1979).
(1383)	(a)(1), (a)(2)	United States v. DeVaughn, 414 F. Supp. 774 (D. Md. 1976), aff'd, 556 F.2d 575 (4th Cir. 1977), cert. denied, 434 U.S. 954 (1977), rehearing denied, 434 U.S. 1025 (1978).
(1384)	Agency subpoenas	United States v. Exxon Corp., 487 F. Supp. 19 (D.D.C. 1980), aff'd, 628 F.2d 70 (D.C. Cir. 1980), cert. denied, 446 U.S. 964 (1980).
(1385)	Reverse FOIA, (b)(4)	United States v. Exxon Corp., 2 GDS ¶82,057 (D.D.C. 1981).
(1386)	(b)(3), 26 U.S.C. §6103, (b)(2), Vaughn index	United States v. First National Bank of Savannah, 48 A.F.T.R. 2d 81-6157, 2 GDS ¶82,064 (W.D. Tenn. 1980).
(1387)	Agency subpoenas, (b)(7)(A)	United States v. First National State Bank of New Jersey, 616 F.2d 668 (3d Cir. 1980), cert. denied, 447 U.S. 905 (1980).
(1388)	(b)(6), FOIA/PA interface	United States v. Flood, 462 F. Supp. 99 (D.D.C. 1978).
(1389)	(a)(1)	United States v. Goodman, 605 F.2d 870 (5th Cir. 1979).
(1390)	(a)(2)(C), in camera inspection	United States v. Imbrunone, 379 F. Supp. 256 (E.D. Mich. 1974).

(1391)	(b)(5), attorney work-product privilege	United States v. J.B. Williams Co., 402 F. Supp. 796 (S.D.N.Y. 1975).
(1392)	Agency records	United States v. Lambert, 446 F. Supp. 890 (D. Conn. 1978), aff'd, 601 F.2d 69 (2d Cir. 1979), cert. denied, 444 U.S. 871 (1980).
(1393)	FOIA as a discovery tool	United States v. Layton, 2 GDS ¶81,390 (N.D. Cal. 1981).
(1394)	(a)(1)(D)	United States v. Leichtfuss, 331 F. Supp. 723 (N.D. Ill. 1971).
(1395)	Agency records	United States v. McDonnell Douglas Corp., No. 79-516 (D.D.C. 1982).
(1396)	(a)(1)(D)	United States v. Mowat, 582 F.2d 1194 (9th Cir. 1978), cert. denied, 439 U.S. 967 (1978).
(1397)	FOIA as a discovery tool	United States v. Murdock, 548 F.2d 599 (5th Cir. 1977).
(1398)	Reverse FOIA, (b)(3), 42 U.S.C. §2000(e)-8(e), (b)(4), (b)(7)	United States v. Trucking Employees, Inc., 13 Fair Empl. Prac. Cas. (BNA) 376 (D.D.C. 1976).
(1399)	FOIA as a discovery tool	United States v. Wahlin, 384 F. Supp. 43 (W.D. Wis. 1974).
(1400)	Duty to disclose	United States v. Wills, 475 F. Supp. 492 (M.D. Fla. 1979).
(1401)	(a)(1)(D), publication	United States ex rel. Parco v. Morris, 426 F. Supp. 976 (E.D. Pa. 1977).
(1402)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	United States v. McGuire, No. 79-C-838 (N.D. Ill. 1979).
(1403)	Reverse FOIA, (b)(4)	United States Steel Corp. v. Schlesinger, 8 Empl. Prac. Dec. (CCH) ¶9717 (E.D. Va. 1974).
(1404)	(b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D)	United Supermarkets, Inc. v. NLRB, 449 F. Supp. 407 (N.D. Tex. 1978).
(1405)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), agency records (personal records not agency records), burden of proof	United Technologies Corp. v. Marshall, 464 F. Supp. 845 (D. Conn. 1979).
(1406)	Reverse FOIA, (b)(3), 18 U.S.C §1905, (b)(4), (b)(5)	United Technologies Corp. v. Marshall, No. 78-8253-Civ-JE (S.D. Fla. 1978).

(1407)	Injunction of agency proceeding pending resolution of FOIA claim	United Telephone Co. of Pennsylvania v. FCC, 375 F. Supp. 992 (M.D. Pa. 1974).
(1408)	Vaughn index	UNR Industries, Inc. v. DOJ, 2 GDS ¶81,341 (D.D.C. 1981).
(1409)	Attorney's fees	Urban Law Institute of Antioch College, Inc. v. Secretary of Defense, No. 76-530 (D.D.C. 1978).
(1410)	Reverse FOIA, (b)(4)	Usery v. Whitin Machine Works, Inc., 412 F. Supp. 1019 (D. Mass. 1976), rev'd & remanded, 554 F.2d 498 (1st Cir. 1977).
(1411)	Reverse FOIA, (b)(4)	USS-OCF-W&M v. Eckerd, No. 76-1933 (D.D.C. 1976).
(1412)	Venue	V. Scott Kneese & Howard H. Hubbard Funeral Home, Inc. v. NLRB, No. H-78-29 (S.D. Tex. 1978).
(1413)	(b)(3), Fed.R. Crim.Pro. 6(e), agency, agency records (judicial branch records not agency records)	Valenti v. DOJ, 503 F. Supp. 230 (E.D. La. 1980).
(1414)	Burden of proof, de novo review, Vaughn index,	Van Bourg, Allen, Weinberg & Roger v. NLRB, 656 F.2d 1356 (9th Cir. 1981).
(1415)	(b)(2)	Vander Pauwert v. Department of the Treasury, 2 GDS ¶81,078 (D.D.C. 1981).
(1416)	(b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Vander Pauwert v. FBI, 1 GDS ¶80,088 (D.D.C. 1980).
(1417)	(b)(1), (b)(5), (b)(7)(C), (b)(7)(D)	Varona-Pacheco v. FBI, 456 F. Supp. 1024 (D.P.R. 1978).
(1418)	(b)(2), (b)(5), (b)(6), burden of proof, Vaughn index	Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974), on remand, 383 F. Supp. 1049 (D.D.C. 1974), aff'd, 523 F.2d 1136 (D.C. Cir. 1975).
(1419)	(b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D)	Vegas Village Shopping Corp. v. NLRB, 92 L.R.R.M. 2683 (C.D. Cal. 1976).
(1420)	(b)(4), (b)(5)	Vereinigte Vaubeschlagfabriken Gretsch & Co. v. Department of the Treasury, 435 F. Supp. 1212 (D.D.C. 1977).

(1421)	Attorney's fees	Vermont Low Income Advocacy Council, Inc. v. Dunlop, 71 F.R.D. 343 (D. Vt. 1976), aff'd sub nom. Vermont Low Income Advocacy Council v. Usery, 546 F.2d 509 (2d Cir. 1976).
(1422)	(b)(5), FOIA as a discovery tool	Verrazzano Trading Corp. v. United States, 349 F. Supp. 1401 (Cust. Ct. 1972).
(1423)	Agency records	Vessels v. Bailar, No. 77-F-1180 (D. Colo. 1978).
(1424)	Attorney's fees	Veterans Education Project v. Secretary, Department of the Air Force, 509 F. Supp. 860 (D.D.C. 1981), subsequent decision, 515 F. Supp. 993 (D.D.C. 1981), aff'd mem., 679 F.2d 263 (D.C. Cir. 1982), judgment modified, No. 81-1741 (D.C. Cir. 1982), rehearing en banc denied (D.C. Cir. 1982).
(1425)	(b)(6)	Vietnam Veterans Against the War v. Laird, No. 70-2277 (D.D.C. 1971).
(1426)	(a)(1)	Virgil v. Andrus, 667 F.2d 931 (D.C. Cir. 1982).
(1427)	(b)(5)	Virginia-Carolina Freight Lines, Inc. v. United States, 411 F. Supp. 356 (W.D. Va. 1976).
(1428)	(b)(5), FOIA as a discovery tool	Virginia Independent Schools Ass'n v. Commissioner of IRS, No. 75-925 (D.D.C. 1976).
(1429)	(b)(3), 42 U.S.C. §2167	Virginia Sunshine Alliance v. NRC, 509 F. Supp. 863 (D.D.C. 1981), aff'd, 669 F.2d 788 (D.C. Cir. 1981).
(1430)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4)	Vistron Corp. v. Ardrus, 19 Fair Empl. Prac. Cas. (BNA) 698 (E.D. Va. 1977).
(1431)	(b)(5)	Vogel v. Bell, 1 GDS ¶79,185 (D. Ariz. 1979).
(1432)	In camera inspection, summary judgment	Vojta v. DOJ, No. 78-C-311 (N.D. Ill. 1981).
(1433)	Privacy Act access, (b)(5), attorney's fees	Volz v. DOJ, No. Civ-77-0635-E (W.D. Okla. 1978), rev'd, 619 F.2d 49 (10th Cir. 1980), cert. denied, 449 U.S. 982 (1980).
(1434)	(b)(7), (b)(7)(C), (b)(7)(D), attorney's fees, FOIA/PA interface, in camera inspection, law enforcement purpose, reasonably segregable, waiver of exemption	Von Tempske v. HHS, 2 GDS ¶82,091 (W.D. Mo. 1981).

(1435)	(b)(7)(D), attorney's fees	Walk v. USDA, 2 GDS ¶81,201 (S.D. Iowa 1981).
(1436)	(b)(3), Fed.R.Crim. Pro. 6(e), (b)(7)(A), agency records (judicial branch records not agency records), Vaughn index	Walter, Conston, Shurtman & Gumpel, P.C. v. DOJ, 1 GDS ¶79,205 (S.D.N.Y. 1979).
(1437)	Attorney's fees	Walters v. TVA, 503 F. Supp 111 (E.D. Tenn. 1980).
(1438)	Improper withholding	Wardell v. Department of Labor, 2 GDS ¶82,077 (D.D.C. 1981).
(1439)	Agency records	Wardell v. Naval Surface Weapons Center, 2 GDS ¶82,018 (D.D.C. 1981).
(1440)	Dismissal for failure to prosecute	Warden v. FBI, 530 F. Supp. 66 (N.D. Ill. 1981).
(1441)	Agency records (judicial branch records not agency records)	Warth v. DOJ, 595 F.2d 521 (9th Cir. 1979).
(1442)	Attorney's fees	Washington Area Construction Industry Task Force v. Department of Labor, No. 76-2317 (D.D.C. 1978).
(1443)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §1306, nexus test	Washington Hospital Center v. Mutual of Omaha, No. 78-2485 (D.D.C. 1979).
(1444)	(b)(4), (b)(6)	Washington Post Co. v. HHS, 2 GDS ¶81,047 (D.D.C 1980), rev'd & remanded, ___ F.2d ___ (D.C. Cir. Sept. 24, 1982) (No. 80-2572).
(1445)	(b)(3), 22 U.S.C. §2671, 31 U.S.C. §107, improper withholding	Washington Post Co. v. Department of State, 501 F. Supp. 1152 (D.D.C. 1980), rev'd, ___ F.2d ___ (D.C. Cir. Aug. 13, 1982) (No. 80-2469).
(1446)	(b)(6), similar files	Washington Post Co. v. Department of State, 1 GDS ¶80,069 (D.D.C. 1980), aff'd, 647 F.2d 197 (D.C. Cir. 1981), rev'd & remanded, 102 S.Ct. 1957 (1982).
(1447)	(a)(2), (b)(4), (b)(5), (b)(6), agency	Washington Research Project, Inc. v. HEW, 366 F. Supp. 929 (D.D.C. 1973), aff'd in part, rev'd in part & remanded, 504 F.2d 238 (D.C. Cir. 1974), cert. denied, 421 U.S. 963 (1975).
(1448)	(b)(3), 26 U.S.C. §6103	Watson v. IRS, 538 F. Supp. 817 (S.D. Tex. 1982).
(1449)	(b)(5), (b)(7)(A), (b)(7)(C), attorney work-product privilege, inter- or intra-agency memoranda	Wayland v. NLRB, 2 GDS ¶81,119 (M.D. Tenn. 1981).

(1450)	Agency subpoenas	Wearly v. FTC, 462 F. Supp. 589 (D. N.J. 1978), rev'd, 616 F.2d 662 (3d Cir. 1980), cert. denied, 449 U.S. 882 (1980).
(1451)	(b)(4), mootness	Webb v. HHS, 2 GDS ¶81,357 (D.D.C. 1981).
(1452)	Attorney's fees, de novo review, venue	Weber v. Coney, 642 F.2d 91 (5th Cir. 1981).
(1453)	(b)(1), E.O. 12065, (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, in camera inspection, publication, waiver of exemption	Weberman v. FBI, 2 GDS ¶82,068 (S.D.N.Y. 1981).
(1454)	(b)(1), (b)(3), 18 U.S.C. §798, 50 U.S.C. §403, adequacy of agency affidavit, "Glomar" denial, proper party defendant, in camera inspection	Weberman v. NSA, 490 F. Supp. 9 (S.D.N.Y. 1980), rev'd & remanded, 646 F.2d 563 (2d Cir. 1980), on remand, 507 F. Supp. 177 (S.D.N.Y. 1981), aff'd, 668 F.2d 676 (2d Cir. 1982).
(1455)	(b)(2), (b)(7), exhaustion of administrative remedies	Weberman v. United States Secret Service, No. 79-CIV-779 (S.D.N.Y. 1980).
(1456)	(b)(4), (b)(5), (b)(7)	Wecksler v. Shultz, 324 F. Supp. 1084 (D.D.C. 1971).
(1457)	(b)(1), E.O. 12065, "Glomar" denial	Weinberger v. Catholic Action of Hawaii/Peace Education Project, 102 S.Ct. 197 (1981).
(1458)	(b)(3), 50 U.S.C. §403, (b)(6), duty to search, referral of request to another agency	Weisberg v. CIA, No. 77-1997 (D.D.C. 1979).
(1459)	(b)(1), agency records	Weisberg v. CIA, No. 79-1729 (D.C. Cir. 1980).
(1460)	(b)(1), (b)(7)	Weisberg v. DOJ, 489 F.2d 1195 (D.C. Cir. 1973), cert. denied, 416 U.S. 993 (1974).
(1461)	(b)(7), adequacy of agency affidavit, discovery in FOIA litigation, duty to search, summary judgment	Weisberg v. DOJ, No. 75-0226 (D.D.C. 1975), remanded, 543 F.2d 308 (D.C. Cir. 1976), decision on remand, 438 F. Supp. 452 (D.D.C. 1977), rev'd, 627 F.2d 365 (D.C. Cir. 1980).

(1462)	(b)(1), (b)(3), 17 U.S.C. §1, (b)(4), (b)(7)(C), (b)(7)(D), attorney's fees, agency records, discretionary release, duty to create a record, Vaughn index, waiver of exemption	Weisberg v. DOJ, No. 75-1996 (D.D.C. 1978), aff'd in part, rev'd in part, 631 F.2d 824 (D.C. Cir. 1980), Vaughn index ordered, 1 GDS ¶80,230 (D.D.C. 1980), subsequent decision, 2 GDS ¶82,055 (D.D.C. 1981), rehearing denied, 2 GDS ¶82,102 (D.D.C. 1982).
(1463)	(b)(1), (b)(7)(C), (b)(7)(D), publication	Weisberg v. DOJ, 3 GDS ¶82,335 (D.D.C. 1981), subsequent decision, 3 GDS ¶82,336 (D.D.C. 1981).
(1464)	(b)(3), 50 U.S.C. §403, (b)(5), attorney's fees	Weisberg v. GSA, No. 75-1448 (D.D.C. 1977), aff'd, No. 81-1009 (D.C. Cir. 1981).
(1465)	(b)(3), 17 U.S.C. §101	Weisberg v. Webster, Nos. 78-322, 78-420 (D.D.C. 1982).
(1466)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6), (b)(7), in camera inspection	Weissman v. CIA, No. 75-1583 (D.D.C. 1976), aff'd & remanded, 565 F.2d 692 (D.C. Cir. 1977).
(1467)	Attorney's fees	Weiss v. Kelly, No. 75-1481 (D.D.C. 1978).
(1468)	(b)(6), (b)(7)(C), (b)(7)(D)	Welch v. DOJ, 1 GDS ¶80,070 (E.D. Va. 1980).
(1469)	(b)(4), (b)(5), (b)(7)	Wellford v. Hardin, 315 F. Supp. 175 (D. Md. 1970), aff'd, 144 F.2d 21 (4th Cir. 1971), on remand, 330 F. Supp. 915 (D. Md. 1971).
(1470)	(a)(3), (b)(7)(C)	Wellford v. Hardin, 315 F. Supp. 768 (D.D.C. 1970).
(1471)	(b)(7)	Wellman Industries v. NLRB, No. 73-0074 (D.S.C. 1973), aff'd, 490 F.2d 427 (4th Cir. 1974), cert. denied, 419 U.S. 834 (1974).
(1472)	Attorney's fees	Werner-Continental, Inc. v. Farkas, 478 F. Supp. 815 (S.D. Ohio 1979), aff'd, No. 80-3061 (6th Cir. 1981).
(1473)	(b)(4)	Westchester General Hospital, Inc. v. HEW, 434 F. Supp. 435 (M.D. Fla. 1977), dismissed, 464 F. Supp. 236 (M.D. Fla. 1979).
(1474)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), (b)(6)	Westinghouse Electric Corp. v. Brown, No. CV-78-3799-LEW (C.D. Cal. 1979).
(1475)	(b)(1), (b)(3), 50 U.S.C. §403(d)(3), (b)(4), adequacy of agency affidavit, agency records, in camera inspection, Vaughn index	Westinghouse Electric Corp. v. CIA, 2 GDS ¶81,329 (D.D.C. 1981).

(1476)	Attorney's fees	Westinghouse Electric Corp. v. NLRB, 497 F. Supp. 825 (W.D. Pa. 1980).
(1477)	Reverse FOIA, (b)(4), discretionary release	Westinghouse Electric Corp. v. NRC, 555 F.2d 82 (3d Cir. 1977).
(1478)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000(e)- 8(e)	Westinghouse Electric Corp. v. Schlesinger, 392 F. Supp. 1246 (E.D. Va. 1974), aff'd, 542 F.2d 1190 (4th Cir. 1976), cert. denied, 431 U.S. 924 (1977).
(1479)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, 42 U.S.C. §2000(e), 44 U.S.C. §3508(a), (b)(4), (b)(6), discretionary release, reasonably segregable	Westinghouse Electric Corp. Research & and Development Center v. Brown, 443 F. Supp. 1225 (E.D. Va. 1977).
(1480)	Discovery/FOIA interface	Westvaco v. United States, 75-2 U.S. Tax Cas. (CCH) ¶9537 (Ct. Cl. 1975).
(1481)	(a)(1)(D), publication	Whelan v. Brinegar, 538 F.2d 924 (2d Cir. 1976).
(1482)	(b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(A), (b)(7)(C)	White v. IRS, 528 F. Supp. 119 (N.D. Ohio 1981).
(1483)	Adequacy of request, exhaustion of administrative remedies, failure to meet time limits	White v. Loury, 42 A.F.T.R. 2d 78-5324 (N.D. Ohio 1978).
(1484)	Privacy Act access, waiver of exemption (administrative release)	White v. OPM, 1 GDS ¶80,267 (D.D.C. 1980), Nos. 80-2349, 80-2436 (D.C. Cir. 1981), rehearing denied, 2 GDS ¶81,393 (D.C. Cir. 1981).
(1485)	Jurisdiction, proper party defendant	White v. United States, 1 GDS ¶80,160 (N.D. Ohio 1980).
(1486)	Agency	Wiebusch v. Osage Production Credit Ass'n, No. 78-0345-CV-W-1 (W.D. Mo. 1979).
(1487)	(a)(2)(A), (b)(3), 26 U.S.C. §6103, burden of proof, duty to create a record, duty to search, in camera inspection, reasonably segregable, summary judgment	Willamette Industries, Inc. v. United States, No. 78-336 (D. Or. 1979), subsequent decision, 530 F. Supp. 904 (D. Or. 1981).
(1488)	Attorney's fees	Williams v. Andrus, No. C78-540 (W.D. Mich. 1980).
(1489)	No record within scope of request	Williams v. CIA, 2 GDS ¶81,203 (D.D.C. 1981).

(1490)	Adequacy of agency affidavit, burden of proof, no record within scope of request	Williams v. DOJ, 2 GDS ¶81,204 (D.D.C. 1981).
(1491)	(b)(5), (b)(7)(C), executive privilege	Williams v. Department of Labor, 23 Empl. Prac. Dec. (CCH) ¶30,984 (D.D.C. 1980).
(1492)	(b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), duty to search	Williams v. DEA, No. 81-0309 (D.D.C. 1981), subsequent decision, 3 GDS ¶82,295 (D.D.C. 1982).
(1493)	Duty to search	Williams v. FBI, 2 GDS ¶82,043 (D.D.C. 1981).
(1494)	(b)(5), (b)(7)	Williams v. IRS, 345 F. Supp. 591 (D. Del. 1972), aff'd, 479 F.2d 317 (3d Cir. 1973).
(1495)	(b)(7)(C), (b)(7)(D), proper party defendant	Williams v. McCreight, 1 GDS ¶80,037 (D.D.C. 1980).
(1496)	(b)(6), similar files, equitable discretion	Wine Hobby USA, Inc. v. Bureau of Alcohol, Tobacco & Firearms, 363 F. Supp. 231 (E.D. Pa. 1973), rev'd, 502 F.2d 133 (3d Cir. 1974).
(1497)	Fee waiver	Winslow v. Department of the Army, 3 GDS ¶82,331 (S.D. Fla. 1981).
(1498)	(b)(2), (b)(7), in camera inspection, proper party defendant, Vaughn index	Wogamon v. DEA, No. 77-112-BLG (D. Mont. 1979).
(1499)	Privacy Act access, (b)(3), 26 U.S.C. §6103(e)(6), (b)(7)(A)	Wohlgemuth v. IRS, 1 GDS ¶80,117 (N.D. Ohio 1980).
(1500)	Agency records (personal records not agency records)	Wolfe v. HHS, 539 F. Supp. 276 (D.D.C. 1982).
(1501)	(b)(1)	Wolfe v. Froehlke, 358 F. Supp. 1318 (D.D.C. 1973), aff'd, 510 F.2d 654 (D.C. Cir. 1974).
(1502)	(b)(3), 26 U.S.C §6103, (b)(7)(C)	Wolfe v. IRS, 1 GDS ¶80,116 (D. Colo. 1980).
(1503)	(b)(5), agency	Wolfe v. Weinberger, 403 F. Supp. 238 (D.D.C. 1975).
(1504)	Attorney's fees	Wolfson v. DOJ, 1 GDS ¶79,111 (D.D.C. 1979).
(1505)	FOIA/PA interface	Woo v. Reinhardt, 2 GDS ¶82,080 (D.D.C 1981).

(1506)	(b)(1), (b)(3), 50 U.S.C. §403, "Glomar" denial, Vaughn index	Wood v. CIA, No. 75-366-Civ-T-K (M.D. Fla. 1977), aff'd mem., No. 79-2219 (5th Cir. 1980).
(1507)	Fee waiver	Wooden v. Office of Juvenile Justice Assistance, 2 GDS ¶81,123 (D.D.C. 1981).
(1508)	(a)(1)(C), publication	Woods v. Chairman, United States Parole Comm'n, No. 78-1907 (D.D.C. 1979).
(1509)	(b)(1), (b)(3), 50 U.S.C. §403, "Glomar" denial	Woolbright v. CIA, No. CV-76-2448-LEW (C.D. Cal. 1977).
(1510)	FOIA/PA interface	Word v. United States, 604 F.2d 1127 (8th Cir. 1979).
(1511)	(b)(7)(C), (b)(7)(D), (b)(7)(E), assurance of confidentiality, in camera inspection	World Publishing Co. v. FBI, No. 81-C-601-C (N.D. Okla. 1982).
(1512)	Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), de novo review	Worthington Compressors, Inc. v. Costle, 662 F.2d 45 (D.C. Cir. 1981), supplemental decision sub nom. Worthington Compressors, Inc. v. Gorsuch, 668 F.2d 1371 (D.C. Cir. 1981).
(1513)	Attorney's fees	Wright v. Defense Logistics Agency, 3 GDS ¶82,367 (E.D. Pa. 1981), reconsideration denied, 3 GDS ¶82,368 (E.D. Pa. 1982).
(1514)	Adequacy of agency affidavit, exceptional circumstances/due diligence	Wright v. DOJ, 1 GDS ¶81,021 (D.D.C. 1980).
(1515)	Privacy Act access, FOIA/PA interface	Wren v. Harris, 675 F.2d 1144 (10th Cir. 1982).
(1516)	(b)(5)	Wu v. Keeney, 384 F. Supp. 1161 (D.D.C. 1974), aff'd, 527 F.2d 854 (D.D.C. 1975).
(1517)	(b)(5), inter- or intra-agency memoranda	Wu v. National Endowment for the Humanities, 460 F.2d 1030 (5th Cir. 1972), cert. denied, 410 U.S. 926 (1973).
(1518)	(b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool, jurisdiction	Xidex Corp. v. NLRB, 83 Lab. Cas. (CCH) ¶10,577 (N.D. Cal. 1978).
(1519)	(b)(5)	Yamaha International Corp. v. FTC, No. 74-475 (D.D.C. 1975).
(1520)	Privacy Act access	Yarrington v. FBI, No. 80-2599 (E.D. La. 1981), aff'd, No. 81-3104 (5th Cir. 1982).

(1521)	(a)(1)(D), publication	Yassini v. Crosland, 618 F.2d 1356 (9th Cir. 1980).
(1522)	(b)(7)(A), (b)(7)(C), (b)(7)(D), duty to create a record, agency records, reasonably segregable	Yeager v. DEA, 1 GDS ¶80,283 (D.D.C. 1980), aff'd, 678 F.2d 315 (D.C. Cir. 1982).
(1523)	(b)(5), inter- or intra-agency memoranda	Zaharoff v. Bell, 1 GDS ¶79,225 (N.D. Cal. 1979).
(1524)	(b)(3), 26 U.S.C. §6103, improper withholding	Zale Corp. v. IRS, 481 F. Supp. 486 (D.D.C. 1979).
(1525)	(b)(2), (b)(7)(E)	Zamnick v. Department of State, 1 GDS ¶79,114 (D.D.C. 1979).
(1526)	(b)(1), (b)(3), 50 U.S.C. §403, (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)	Zeitlin v. CIA, No. 77-C-255 (W.D. Wis. 1980), summary judgment granted, (W.D. Wis. 1981).
(1527)	Attorney's fees	Zeldin v. Hoffman, No. 75-1913 (D.D.C. 1976).
(1528)	Privacy Act access, (b)(5), (b)(7)(A), (b)(7)(C)	Zeller v. United States, 467 F. Supp. 487 (E.D.N.Y. 1979).
(1529)	(b)(2), (b)(3), 26 U.S.C. §6103, (b)(5), (b)(7)(C), executive privilege, "mosaic," reasonably segregable, venue	Zorn v. IRS, 2 GDS ¶81,070 (D.D.C. 1981), on motion for summary judgment, 2 GDS ¶82,240 (D.D.C. 1982).

OVERVIEW LIST OF SELECTED FOIA DECISIONS

The decisions listed below are suggested as basic reading for those who are new to FOIA work or are in need of a refresher in the field. It is not intended to be a list of leading decisions. Rather, the purpose of the list is to provide a balanced introduction, and only an introduction, to the principal recurring issues in FOIA litigation.

It should be remembered that there are numerous unresolved areas in this field and that the interpretations set forth in the various decisions listed below are not necessarily universally accepted.

(b)(1), (b)(2), adequacy of agency affidavit, discovery in FOIA litigation, in camera affidavit, in camera inspection	Allen v. CIA, 636 F.2d 1287 (D.C. Cir. 1980).
(b)(3)	American Jewish Congress v. Kreps, 574 F.2d 624 (D.C. Cir. 1978).
Agency records (personal records not agency records), referral of request to another agency	British Airports Authority v. CAB, 531 F. Supp. 408 (D.D.C. 1982).
Reverse FOIA, (b)(3), 18 U.S.C. §1905, (b)(4), discretionary release	Chrysler Corp. v. Brown, 441 U.S. 281 (1979).
(b)(5), attorney-client privilege, attorney work-product privilege, executive privilege	Coastal States Gas Corp. v. DOE, 617 F.2d 854 (D.C. Cir. 1980).
(b)(2)	Crooker v. Bureau of Alcohol, Tobacco & Firearms, 670 F.2d 1051 (D.C Cir. 1981) (en banc).
(b)(2), (b)(6), reasonably segregable	Department of the Air Force v. Rose, 425 U.S. 352 (1976).
(b)(6), similar files	Department of State v. Washington Post Co., 102 S.Ct. 1957 (1982).
(b)(7), (b)(7)(C), investigatory records, law enforcement purpose	Federal Bureau of Investigation v. Abramson, 102 S.Ct. 2054 (1982).
(b)(5), commercial privilege	Federal Open Market Committee v. Merrill, 443 U.S. 340 (1979).
Agency, agency records	Forsham v. Harris, 445 U.S. 169 (1980).
(b)(3), Fed.R.Crim.Pro. 6(e), (b)(7)(C)	Fund for Constitutional Government v. NARS, 656 F.2d 856 (D.C. Cir. 1981).
(b)(1), agency records (Congressional records not agency records), duty to search	Goland v. CIA, 607 F.2d 339 (D.C. Cir. 1978), vacated in part & rehearing denied, 607 F.2d 367 (D.C. Cir. 1979), cert. denied, 445 U.S. 927 (1980).

Privacy Act access, (b)(3), 5 U.S.C. §552a(j)(2), FOIA/PA interface	Greentree v. United States Customs Service, 674 F.2d 74 (D.C. Cir. 1982).
Improper withholding	GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375 (1980).
(b)(3), 50 U.S.C. §403, adequacy of agency affidavit, summary judgment, "mosaic"	Halperin v. CIA, 629 F.2d 144 (D.C. Cir. 1980).
(b)(1), waiver, equitable discretion	Halperin v. Department of State, 565 F.2d 699 (D.C. Cir. 1977), cert. denied, 434 U.S. 1046 (1978).
(b)(1), (b)(3), 50 U.S.C. §403, in camera inspection, Vaughn index	Hayden v. NSA, 608 F.2d 1381 (D.C. Cir. 1979), cert. denied, 446 U.S. 937 (1980).
Agency, agency records (personal records not agency records), improper withholding	Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980).
Attorney's fees	LaSalle Extension University v. FTC, 627 F.2d 481 (D.C. Cir. 1980).
(b)(1), E.O. 11652, (b)(2), (b)(7), (b)(7)(C), (b)(7)(D), investigatory records, law enforcement purpose, belated classification	Lesar v. DOJ, 455 F. Supp. 921 (D.D.C. 1978), aff'd, 636 F.2d 472 (D.C. Cir. 1980).
(b)(5), attorney-client privilege, attorney work-product privilege, executive privilege, reasonably segregable, Vaughn index	Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d 242 (D.C. Cir. 1977).
(b)(1), (b)(3), 50 U.S.C. §403, in camera affidavit, in camera inspection	Military Audit Project v. Casey, 656 F.2d 724 (D.C. Cir. 1981).
(b)(5), executive privilege, reasonably segregable	Montrose Chemical Corp. v. Train, 491 F.2d 63 (D.C. Cir. 1974).
(b)(7)(A)	National Labor Relations Board v. Robbins Tire & Rubber Co., 437 U.S. 214 (1978).
(a)(2)(A), (b)(5), executive privilege	National Labor Relations Board v. Sears, Roebuck & Co., 421 U.S. 132 (1975).
(b)(4)	National Parks & Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974).
(b)(1), (b)(3), 50 U.S.C. §403, adequacy of agency affidavit, "Glomar" denial, in camera affidavit	Phillippi v. CIA, 546 F.2d 1009 (D.C. Cir. 1976).
(b)(1), adequacy of agency affidavit, Vaughn index	Ray v. Turner, 587 F.2d 1187 (D.C. Cir. 1978).

(a)(2)(A), (a)(3), (b)(5)	Renegotiation Board v. Grumman Aircraft Engineering Corp., 421 U.S. 168 (1975).
(b)(5), executive privilege	Russell v. Department of the Air Force, 682 F.2d 1045 (D.C. Cir. 1982).
(b)(5), agency, waiver of exemption (failure to assert in litigation)	Ryan v. DOJ, 617 F.2d 781 (D.C. Cir. 1980).
(b)(5), executive privilege	Skelton v. United States Postal Service, 678 F.2d 35 (5th Cir. 1982).
Agency, equitable discretion	Soucie v. David, 448 F.2d 1067 (D.C. Cir. 1971).
(b)(1), E.O. 12065	Taylor v. Department of the Army, 684 F.2d 99 (D.C. Cir. 1982).
Exhaustion of administrative remedies	Tuchinsky v. Selective Service System, 418 F.2d 155 (7th Cir. 1969).
Burden of proof, Vaughn index	Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).
(b)(4)	Washington Research Project, Inc. v. HEW, 504 F.2d 238 (D.C. Cir. 1974).
In camera inspection	Weissman v. CIA, 565 F.2d 692 (D.C. Cir. 1977).

PRIVACY ACT CASES

Routine use	Aaron v. IRS, No. CV-79-838-DWW (C.D. Cal. 1980), aff'd, No. 79-3498 (9th Cir. 1981).
Amendment of records, request for access	Abramsky v. Consumer Product Safety Comm'n, 478 F. Supp. 1040 (S.D.N.Y. 1979).
FOIA/PA interface	Adams v. FBI, No. 78-0849 (D.D.C. 1978).
Records, maintenance of records, system of records, civil damages	Albright v. United States, No. 78-0397 (D.D.C. 1978), rev'd, 631 F.2d 915 (D.C. Cir. 1980).
Records	Alford v. CIA, 610 F.2d 348 (5th Cir. 1980), cert. denied, 449 U.S. 854 (1981), rehearing denied, 449 U.S. 1027 (1981).
Amendment of records, exhaustion of administrative remedies	Allen v. Henifin, 2 GDS ¶81,056 (D.D.C. 1980).
Amendment of records, exhaustion of administrative remedies	Allen v. Naval Research Laboratory, 2 GDS ¶82,144 (D.D.C. 1982).
Records	American Federation of Government Employees v. NASA, 482 F. Supp. 281 (S.D. Tex. 1980).
Maintenance of records	American Federation of Government Employees v. Schlesinger, 443 F. Supp. 431 (D.D.C. 1978).
Civil damages, adequacy of complaint, improper disclosure	American Federation of Government Employees v. VA, 1 GDS ¶80,135 (D.D.C. 1980), on motion for summary judgment, 2 GDS ¶81,159 (D.D.C. 1981).
Attorney's fees, request for access	Anderson v. Department of the Treasury, 648 F.2d 1 (D.C. Cir. 1979), supplemental opinion sub nom. National Treasury Employees Union v. United States, 656 F.2d 848 (D.C. Cir. 1980).
Exemption (j)(2), FOIA/PA interface	Anderson v. Huff, Nos. 3-82-052, 4-82-533 (D. Minn. 1982).
Routine use	Ash v. United States, No. 77-434-Orl-Civ-R (M.D. Fla. 1979), aff'd, 608 F.2d 178 (5th Cir. 1979), cert. denied, 445 U.S. 965 (1981).
Civil damages, improper disclosure	Askew v. United States, 680 F.2d 1206 (8th Cir. 1982).
Amendment of records	Bambulas v. Chief, United States Marshal, No. 77-3229 (D. Kan. 1979).

Attorney's fees, pro se litigant	Barrett v. United States Customs Service, 482 F. Supp. 779 (E.D. La. 1980), aff'd, 651 F.2d 1087 (5th Cir. 1981), cert. denied, 102 S.Ct. 1454 (1982).
FOIA/PA interface	Basdekas v. NRC, No. 78-0465 (D.D.C. 1978).
Amendment of records	Bashaw v. Department of the Treasury, 468 F. Supp. 1195 (E.D. Wis. 1979).
Exhaustion of administrative remedies	Bazelow v. Civil Service Comm'n, 1 GDS ¶79,134 (S.D.N.Y. 1979).
Civil damages, improper disclosure	Beeny v. Department of the Navy, 2 GDS ¶81,305 (C.D. Cal. 1980).
Amendment of records (destruction), civil damages, attorney's fees	Bell v. Federal Energy Administration, No. CV-176-188 (S.D. Ga. 1982).
Intra-agency disclosure	Beller v. Middendorf, 632 F.2d 788 (9th Cir. 1980), cert. denied, 452 U.S. 905 (1981).
Exemptions (j)(2), (k)(2)	Binion v. DOJ, 2 GDS ¶82,148 (D. Nev. 1981).
Amendment of records	Blevins v. Plummer, 613 F.2d 767 (9th Cir. 1980).
Adverse effect, civil damages, inaccurate records	Borrell v. International Communications Agency, 682 F.2d 981 (D.C. Cir. 1982).
Social Security numbers	Brookens v. United States, No. 78-929 (D.D.C. 1978), aff'd, 627 F.2d 494 (D.C. Cir. 1980).
Civil damages, improper disclosure, order of a court of competent jurisdiction	Bruce v. United States, 621 F.2d 914 (8th Cir. 1980).
Routine use	Burley v. DEA, 443 F. Supp. 619 (M.D. Tenn. 1977).
Civil damages, improper disclosure, routine use	Calhoun v. IRS, No. 79-2337-2 (D.S.C. 1980).
Civil damages, improper disclosure, system of records	Campbell v. VA, 2 GDS ¶82,076 (S.D. Iowa 1981).
Civil damages, proper party defendant, routine use, system of records	Carin v. United States, 1 GDS ¶80,193 (D.D.C. 1980).
Request for access	Carter v. Orr, No. CIV-81-155-E (W.D. Okla. 1981).
Frivolous complaint	Carter v. United States, No. 79-1655 (8th Cir. 1980).

Exemption (k)(5), amendment of records, civil damages, inaccurate records	Castle v. Civil Service Comm'n, No. 77-1544 (D.D.C. 1979).
Individual (definition), no injunction against disclosure	Cell Associates, Inc. v. National Institutes of Health, 579 F.2d 1155 (9th Cir. 1978).
Social Security numbers	Chambers v. Klein, 419 F. Supp. 569 (D.N.J. 1976), aff'd mem., 564 F.2d 89 (3d Cir. 1977).
Civil damages (statute of limitations), individual (definition)	Chance v. IRS, 1 GDS ¶80,206 (D. Idaho 1980).
Maintenance of records, records	Chapman v. NASA, 682 F.2d 526 (5th Cir. 1982).
Order of a court of competent jurisdiction	Christy v. United States, 68 F.R.D. 375 (N.D. Tex. 1975).
Civil damages, adequacy of complaint, notice requirement, system of records	Church v. United States, 2 GDS ¶81,350 (D. Md. 1980).
Exhaustion of administrative remedies	Churchwell v. United States, 414 F. Supp. 499 (D.S.D. 1976), aff'd, 545 F.2d 59 (8th Cir. 1976).
Civil damages, maintenance of records, FOIA/PA interface, system of records	Clarkson v. IRS, 678 F.2d 1368 (11th Cir. 1982).
Agency records, exhaustion of administrative remedies, amendment of records	Connor v. United States, 1 GDS ¶79,224 (W.D. Ky. 1979), aff'd, 1 GDS ¶80,208 (6th Cir. 1980).
Request for access	Crisafi v. Bell, 1 GDS ¶79,187 (M.D. Pa. 1979).
Individual (definition), request for access	Daniels v. FCC, No. 77-501 (D.S.D. 1978).
Civil damages, improper disclosure, no injunction against disclosure	Davis v. HUD, 2 GDS ¶81,306 (N.D. Ill. 1979).
Order of a court of competent jurisdiction	DeLong v. United States, 48 A.F.T.R. 2d 81-5548 (Ct. Cl. 1981).
Exemption (k)(5)	Diamond v. FBI, 532 F. Supp. 216 (S.D.N.Y. 1981).
Amendment of records, exemption (k)(5), civil damages, maintenance of records, inaccurate records	Doe v. Civil Service Comm'n, 483 F. Supp. 539 (S.D.N.Y. 1980).
Civil damages, improper disclosure	Doe v. GSA, No. 81-2109 (D. Md. 1982).
Social Security numbers, notice requirement	Doe v. Sharp, 491 F. Supp. 346 (D. Mass. 1980).

Amendment of records, request for access	Dorl v. Levi, No. 75-2077 (D.N.J. 1977).
Civil damages, improper disclosure	Doyle v. Behan, 670 F.2d 535 (5th Cir. 1982).
Social security numbers	Doyle v. Wilson, 529 F. Supp. 1343 (D. Del. 1982).
Exhaustion of administrative remedies, individual (definition)	Dresser Industries, Inc. v. United States, 596 F.2d 1231 (5th Cir. 1979), cert. denied, 444 U.S. 1044 (1980).
Exemption (j)(2), FOIA/PA interface	Duffin v. Carlson, No. 78-1775 (D.D.C. 1979), aff'd, 636 F.2d 709 (D.C. Cir. 1980).
Pro se litigant	Easter v. FBI, 2 GDS ¶81,195 (D.D.C. 1981).
Civil damages, inaccurate records	Edison v. Department of the Army, 3 GDS ¶82,299 (N.D. Ga. 1980), aff'd, 672 F.2d 840 (11th Cir. 1982).
Request for access, exemption (j)(2), FOIA/PA interface, attorney's fees	Exner v. FBI, No. 76-89-S (S.D. Cal. 1976), remanded, 542 F.2d 1121 (9th Cir. 1976), decision on remand (S.D. Cal. 1977), on motion for attorney's fees, 433 F. Supp. 1349 (S.D. Cal. 1978), aff'd, 612 F.2d 1202 (9th Cir. 1980).
Civil damages, adverse effect, inaccurate records, improper disclosure, individual (definition)	Federal Deposit Insurance Corp. v. Dye, 642 F.2d 833 (5th Cir. 1981).
Maintenance of records, collection of information from subject, notice requirement	Field v. Brown, 610 F.2d 981 (D.C. Cir. 1979), cert. denied, 446 U.S. 939 (1980).
Civil damages, inaccurate records	Fiorella v. HEW, 2 GDS ¶81,363 (W.D. Wash. 1981).
Civil damages	Fiorentino v. United States, 607 F.2d 963 (Ct. Cl. 1979), cert. denied, 444 U.S. 1083 (1979).
Civil damages, attorney's fees, improper disclosure, intra-agency disclosure	Fitzpatrick v. IRS, 1 GDS ¶80,232 (N.D. Ga. 1980), aff'd in part, rev'd in part & remanded, 665 F.2d 327 (11th Cir. 1982).
Statute of limitations	Florence v. Orr, No. 80-3269 (D.D.C. 1981).
Individual (definition), injunction against disclosure, records	Florida Medical Ass'n v. HEW, 454 F. Supp. 326 (M.D. Fla. 1978), rev'd & remanded, 601 F.2d 199 (5th Cir. 1979), on remand, 479 F. Supp. 1291 (M.D. Fla. 1979).

Request for access, exemption (j)(2), FOIA/PA interface, amendment of records	Frank v. DOJ, 480 F. Supp. 596 (D.D.C. 1979).
Request for access, exemption (j)(2)	Fratus v. United States Attorney, No. 78-833-Civ-WMH (S.D. Fla. 1979).
Mootness, pro se litigant	Gale v. DOJ, No. 79-2571 (D.D.C. 1979), rev'd & remanded, 628 F.2d 224 (D.C. Cir. 1980).
Exemption (k)(5)	Gallagher v. FBI, 1 GDS ¶79,136 (D.D.C. 1979).
Civil damages, failure to grant access	Gedden, Daiker, Manno, Brownell & Elder v. United States Postal Service, 2 GDS ¶81,369 (S.D. Iowa 1980).
Civil damages, proper party defendant	Gonzalez v. Leonard, 497 F. Supp. 1058 (D. Conn. 1980).
Civil damages, improper disclosure, request for access, routine use	Gorod v. IRS, 86 F.R.D. 225 (D. Mass. 1979).
Civil damages, request for access, failure to grant access, system of records	Grachow v. United States Customs Service, 504 F. Supp. 632 (D.D.C. 1980).
Social Security numbers	Greater Cleveland Welfare Rights Organization v. Bauer, 462 F. Supp. 1313 (N.D. Ohio 1978).
Social Security numbers	Green v. Philbrook, 427 F. Supp. 834 (D. Vt. 1977), rev'd, 576 F.2d 440 (2d Cir. 1978).
Civil damages, improper disclosure, records	Greene v. VA, No. C-76-461-S (M.D. N.C. 1978).
Exemption (j)(2), FOIA/PA interface	Greentree v. United States Customs Service, 515 F. Supp. 1145 (D.D.C. 1981), rev'd & remanded, 674 F.2d 74 (D.C. Cir. 1982).
Intra-agency disclosure	Grogan v. IRS, 3 GDS ¶82,384 (E.D. Va. 1981), aff'd, 3 GDS ¶82,385 (4th Cir. 1982).
FOIA/PA interface	Guerra v. Bell, No. 78-1509 (D.D.C. 1979).
Civil damages, inaccurate records, adverse effect	Hacopian v. Marshall, 2 GDS ¶81,312 (C.D. Cal. 1980).
System of records	Hanley v. DOJ, 623 F.2d 1138 (6th Cir. 1980).
Amendment of records, exhaustion of administrative remedies	Harper v. Kobelinski, No. 76-1460 (D.D.C. 1977), rev'd, 589 F.2d 721 (D.C. Cir. 1978).

Civil damages, adverse effect, improper disclosure	Harper v. United States, 423 F. Supp. 192 (D.S.C. 1976).
Exemptions (j)(2), (k)(2), FOIA/PA interface	Heinzl v. INS, No. C-80-1210-SAW (N.D. Cal. 1981).
Exemption (j)(2)	Hensley v. DEA, 3 GDS ¶82,342 (S.D. Ohio 1981) (magistrate's report adopted).
Civil damages, inaccurate records	Hernandez v. Alexander, 671 F.2d 402 (10th Cir. 1982).
Amendment of records, civil damages, notice requirement	Houston v. Department of the Treasury, 494 F. Supp 24 (D.D.C. 1979).
Civil damages	Houston v. IRS, No. 78-0541 (D.D.C. 1979).
Order of a court of competent jurisdiction	Howard v. Bolger, No. 80-1002 (D.D.C. 1980).
Civil damages, failure to grant access, proper party defendant	Human Engineering Institute v. Abbott, 40 A.F.T.R. 2d 77-5989 (N.D. Ohio 1977).
Exemption (k)(2), maintenance of records, FOIA/PA interface	Irons v. Levi, 451 F. Supp. 751 (D. Mass. 1978), rev'd sub nom. Irons v. Bell, 596 F.2d 468 (1st Cir. 1979), on remand sub nom. Irons v. Civiletti, No. 76-963-S (D. Mass. 1980).
Civil damages, maintenance of records	Jabara v. Kelley, 476 F. Supp. 561 (E.D. Mich. 1979).
Civil damages, improper disclosure	Jackson v. VA, 503 F. Supp. 653 (N.D. Ill. 1980).
Civil damages, improper disclosure, system of records	Johnson v. Department of the Air Force, 526 F. Supp. 679 (W.D. Okla. 1980).
Civil damages, adverse effect, collection of information from subject	Johnson v. IRS, No. SA-77-CA-5 (W.D. Tex. 1979), subsequent decision, 2 GDS ¶81,370 (W.D. Tex. 1981).
Civil damages, improper disclosure, routine use	Johnson v. United States, 618 F.2d 677 (10th Cir. 1980).
Amendment of records, attorney's fees	Kennedy v. Andrus, 459 F. Supp. 240 (D.D.C. 1978).
Records, improper disclosure	King v. Califano, 471 F. Supp. 180 (D.D.C. 1979).
Civil damages, improper disclosure	Koch v. United States, No. 78-273T (W.D. Wash. 1980).
Request for access, FOIA/PA interface, proper party defendant	Kotmair v. IRS, 47 A.F.T.R. 2d 81-985, 2 GDS ¶81,122 (D. Md. 1981).
Amendment of records	Kudrna v. Webster, No. 79-Civ-3421 (S.D.N.Y. 1979).

Obtaining records under false pretenses	Lapin v. Taylor, 475 F. Supp. 446 (D. Hawaii 1979).
Request for access	Larry v. Lawler, 413 F. Supp. 185 (N.D. Ill. 1976), rev'd, 605 F.2d 954 (7th Cir. 1978).
Amendment of records, exhaustion of administrative remedies	Larsen v. Hoffman, 444 F. Supp. 245 (D.D.C. 1977).
Amendment of records	Lee v. Department of Labor, 2 GDS ¶81,335 (E.D. Va. 1981).
Civil damages, improper disclosure, adverse effect, routine use, attorney's fees	Leverette v. Federal Law Enforcement Training Center, No. CV-280-136 (S.D. Ga. 1982).
Civil damages, inaccurate records, exhaustion of administrative remedies, statute of limitations	Lieb v. VA, 2 GDS ¶82,209 (D.D.C. 1982), summary judgment granted, No. 81-1224 (D.D.C. 1982).
Exhaustion of administrative remedies, amendment of records	Liguori v. Alexander, 495 F. Supp. 641 (S.D.N.Y. 1980).
Request for access, exemption (k)(2), exhaustion of administrative remedies, amendment of records, attorney's fees	Lobosco v. IRS, 42 A.F.T.R. 2d 78-5630 (E.D.N.Y. 1978), on motion for attorney's fees, No. 77-CIV-1464 (E.D.N.Y. 1981), subsequent decision, 2 GDS ¶81,207 (E.D.N.Y. 1981).
Routine use	Local 2047, American Federation of Government Employees v. Defense General Supply Center, 423 F. Supp. 481 (E.D. Va. 1976), aff'd, 573 F.2d 184 (4th Cir. 1978).
Request for access, exemption (k)(5), FOIA/PA interface	Londrigan v. FBI, No. 78-1360 (D.D.C. 1979), rev'd & remanded, 670 F.2d 1164 (D.C. Cir. 1981).
Exemption (k)(5)	Lorenz v. NRC, No. 80-K-1813 (D. Colo. 1981).
Attorney's fees	Lovell v. Alderete, 630 F.2d 428 (5th Cir. 1980).
Civil damages, improper disclosure	Lydia v. Department of the Army, No. 78-069 (D.S.C. 1979).
Amendment of records, civil damages, failure to grant access	Lyon v. United States, No. 77-Civ-1172-B (W.D. Okla. 1982).
Records, civil damages, inaccurate records	Machen v. Department of the Army, No. 78-582 (D.D.C. 1979).
Request for access, exemption (j)(2)	Maher v. United States Parole Comm'n, 2 GDS ¶81,348 (W.D. Tex. 1980).
Order of a court of competent jurisdiction	Marchiondo v. Traub, 1 GDS ¶79,200 (D.N.M. 1979).

Civil damages, improper disclosure	Martin v. Lauer, 3 GDS ¶82,252 (D.D.C. 1982), rev'd & remanded, ___ F.2d ___ (D.C. Cir. Aug. 17, 1982) (No. 82-1322).
Social Security numbers	McElrath v. Califano, 615 F.2d 434 (7th Cir. 1980).
FOIA/PA interface	McNeal v. DOJ, No. 6-70-890 (E.D. Mich. 1976).
Request for access, exemption (k)(5)	Mervin v. Bonfanti, 410 F. Supp. 1205 (D.D.C. 1976).
Amendment of records	Mervin v. FTC, 591 F.2d 821 (D.C. Cir. 1978).
Exhaustion of administrative remedies, individual (definition), records, amendment of records	Metadure Corp. v. United States, 490 F. Supp. 1368 (S.D.N.Y. 1980).
System of records	Michalas v. Reinhardt, 22 Fair Empl. Prac. Cas. (BNA) 469 (D.D.C. 1979).
FOIA/PA interface	Miller v. Webster, 483 F. Supp. 883 (N.D. Ill. 1979), aff'd in part, rev'd in part sub nom. Miller v. Bell, 661 F.2d 623 (7th Cir. 1981), cert. denied, 102 S.Ct. 2035 (1982).
Fee waiver, FOIA/PA interface	Mills v. McCreight, 1 GDS ¶79,151 (D.D.C. 1979).
Exemptions (j)(2), (k)(2), inaccurate records	Mizell v. FBI, 2 GDS ¶81,336 (D.D.C. 1981).
Exemption (j)(2)	Moran v. DEA, No. 78-2831-CIV-JLK (S.D. Fla. 1979).
Request for access	Newman v. United States, 3 GDS ¶82,348 (D.D.C. 1982).
Civil damages, system of records	Nichols v. Mears, No. S-76-633-PCW (E.D. Cal. 1979).
Exemption (j)(2), FOIA/PA interface	Nunez v. DEA, 497 F. Supp. 209 (S.D.N.Y. 1980).
Individual (definition)	OKC Corp. v. Williams, 461 F. Supp. 540 (N.D. Tex. 1978), subsequent decision, 489 F. Supp. 576 (N.D. Tex. 1980), aff'd, 614 F.2d 58 (5th Cir. 1980), cert. denied, 449 U.S. 952 (1980).
Civil damages, improper disclosure	Olberding v. DOD, 2 GDS ¶82,004 (S.D. Iowa 1980).
Exemption (j)(2), attorney's fees	Owens v. United States Attorney General, 2 GDS ¶81,259 (D.D.C. 1981), on motion for attorney's fees, 2 GDS ¶82,090 (D.D.C. 1981).

Amendment of records, exemption (j)(2)	Pacheco v. FBI, 470 F. Supp. 1091 (D.P.R. 1979).
Exemption (j)(2), FOIA/PA interface	Painter v. FBI, No. C78-682A (N.D. Ga. 1979), aff'd in part, rev'd in part, 615 F.2d 689 (5th Cir. 1980).
Civil damages, improper disclosure, intra-agency disclosure, no injunction against disclosure, routine use, adverse effect	Parks v. IRS, 618 F.2d 677 (10th Cir. 1980).
Civil damages, inaccurate records, adverse effect	Perry v. Block, 684 F.2d 121 (D.C. Cir. 1982).
Civil damages, improper disclosure, inaccurate records, routine use, adverse effect	Perry v. FBI, 2 GDS ¶81,342 (N.D. Ill. 1980).
FOIA/PA interface, injunction against disclosure	Providence Journal Co. v. FBI, 460 F. Supp. 762 (D.R.I. 1978), subsequent decision, 460 F. Supp. 778 (D.R.I. 1978), stay pending appeal granted, 595 F.2d 889 (1st Cir. 1979), rev'd on other grounds, 602 F.2d 1010 (1st Cir. 1979), cert. denied, 444 U.S. 1071 (1980).
Amendment of records, exhaustion of administrative remedies	Pruett v. Levi, No. 76-99-NA-CV (M.D. Tenn. 1978), aff'd, 622 F.2d 256 (6th Cir. 1980).
Civil damages, inaccurate records	Quarry v. DOJ, 3 GDS ¶82,407 (D.D.C. 1982).
Exemption (k)(2), system of records	Rakosi v. IRS, 2 GDS ¶81,271 (D. Ariz. 1981).
Individual (definition)	Raven v. Panama Canal Co., 583 F.2d 169 (5th Cir. 1978), cert. denied, 440 U.S. 980 (1979).
Failure to maintain timely/complete records, request for access	Reeves v. DOJ, No. 78-0329 (D. Hawaii 1978), subsequent decision, 3 GDS ¶82,395 (D. Hawaii 1981), motion for partial reconsideration denied (D. Hawaii 1981).
Duty to search	Reichstein v. United States, No. 80-2568 (D.D.C. 1981).
Civil damages, improper disclosure	Roszel v. Department of the Treasury, No. 79-472-Civ-T-K (M.D. Fla. 1981).
Civil damages, proper party defendant	Rowe v. State of Tennessee, 431 F. Supp. 1257 (E.D. Tenn. 1977), rev'd, 609 F.2d 259 (6th Cir. 1979).
Amendment of records, civil damages, inaccurate records	R.R. v. Department of the Army, 482 F. Supp. 770 (D.D.C. 1980).

Civil damages, improper disclosure, exemption from access provision, exemption from civil damages provision, FOIA/PA interface	Ryan v. DOJ, 595 F.2d 954 (4th Cir. 1979).
Jurisdiction	Ryans v. New Jersey Comm'n for the Blind & Visually Impaired, 542 F. Supp. 841 (D.N.J. 1982).
Individual (definition), injunction against disclosure	St. Michael's Convalescent Hospital v. State of California, 643 F.2d 1369 (9th Cir. 1981).
Notice requirement	Saunders v. Schweiker, 508 F. Supp. 305 (W.D.N.Y. 1981).
Amendment of records, civil damages, improper disclosure	Savarese v. HEW, 479 F. Supp. 304 (N.D. Ga. 1979), aff'd, 620 F.2d 298 (5th Cir. 1980), cert. denied sub nom. Savarese v. Harris, 449 U.S. 1078 (1981).
Exemption (k)(2), FOIA/PA interface	Schacht v. FBI, No. 77-0269-H (S.D. Cal. 1979).
Exemption (k)(2)	Schiller v. Webster, 3 GDS ¶82,263 (E.D.N.Y. 1980).
Order of a court of competent jurisdiction	Schmid v. Froach, 1 GDS ¶80,274 (D.D.C. 1980).
Amendment of records, exhaustion of administrative remedies	Schuler v. United States, No. 77-2187 (D.D.C. 1978), rev'd on other grounds, 617 F.2d 605 (D.C. Cir. 1979).
Civil damages, inaccurate records	Schwartz v. FBI, 3 GDS ¶82,283 (E.D. N.Y. 1982).
Routine use	SEC v. Dimensional Entertainment Corp., 518 F. Supp. 773 (S.D.N.Y. 1981).
Order of a court of competent jurisdiction	Segar v. Bell, No. 77-0081 (D.D.C. 1978).
Individual (definition), records, request for access	Shermco Industries, Inc. v. Department of the Air Force, 452 F. Supp. 306 (N.D. Tex. 1978), rev'd on other grounds, 613 F.2d 1314 (5th Cir. 1980).
Request for access, exemption (d)(5), FOIA/PA interface, system of records, proper party defendant	Smiertka v. Department of the Treasury, 447 F. Supp. 221 (D.D.C. 1978), remanded on procedural grounds, 604 F.2d 698 (D.C. Cir. 1979).
FOIA/PA interface	Smith v. Flaherty, 465 F. Supp. 815 (M.D. Pa. 1978).
Exhaustion of administrative remedies, request for access (medical records)	Smith v. Secretary of the Army, 2 GDS ¶81,059 (M.D. Ala. 1979).

Civil damages	South v. FBI, 508 F.2d 1104 (N.D. Ill. 1981), motion to dismiss granted, No. 79-C-1551 (N.D. Ill. 1981).
Exemption (j)(2)	Stewart v. CIA, 2 GDS ¶81,302 (D.D.C. 1981).
Order of a court of competent jurisdiction, routine use	Stiles v. Atlanta Gas Light Co., 453 F. Supp. 798 (N.D. Ga. 1978).
Exemption (k)(5)	Swann v. DOJ, No. CV-78-1368-WE-(Px) (C.D. Cal. 1978).
Amendment of records, maintenance of records, request for access (medical records)	Sweatt v. Department of the Navy, 2 GDS ¶81,038 (D.D.C. 1980), aff'd, 683 F.2d 420 (D.C. Cir. 1982).
Civil damages	Tate v. Bindseil, 2 GDS ¶82,114 (D.S.C. 1981).
Civil damages, inaccurate records, jurisdiction	Taylor v. Califano, No. 77-A-439 (D. Colo. 1978).
FOIA/PA interface	Tennessean Newspapers, Inc. v. Levi, 403 F. Supp. 1318 (M.D. Tenn. 1975).
FOIA/PA interface	Terkel v. Kelly, No. 76-C-1626 (N.D. Ill. 1978), aff'd, 599 F.2d 214 (7th Cir. 1979), cert. denied, 444 U.S. 1913 (1980).
Failure to maintain timely/complete records	Townsend v. Carter, 476 F. Supp. 1070 (N.D. Tex. 1979).
Amendment of records	Trinidad v. Civil Service Comm'n, 2 GDS ¶81,322 (N.D. Ill. 1980).
Notice requirement, proper party defendant	Truxal v. IRS, 2 GDS ¶81,391 (S.D. Ohio 1981).
Amendment of records	Turner v. Department of the Army, 447 F. Supp. 1207 (D.D.C. 1978).
Notice requirement	United States v. Amon, 2 GDS ¶81,208 (10th Cir. 1981).
Notice requirement, routine use	United States v. Annunziato, 643 F.2d 676 (10th Cir. 1981).
FOIA/PA interface, order of a court of competent jurisdiction	United States v. Brown, 562 F.2d 1144 (9th Cir. 1977).
FOIA/PA interface	United States v. Flood, 462 F. Supp. 99 (D.D.C. 1978).
Notice requirement	United States v. Irvin, 48 A.F.T.R. 2d 81-6059, 2 GDS ¶82,003 (W.D. Wash. 1981).
Routine use	United States v. Miller, 643 F.2d 713 (10th Cir. 1981).

Exemption (k)(2), individual (definition)	Utah-Ohio Gas & Oil Co. v. SEC, 1 GDS ¶80,038 (D. Utah 1980).
Amendment of records, exemption (j)(2)	Varona-Pacheco v. FBI, 456 F. Supp. 1024 (D.P.R. 1978).
Request for access, individual (definition)	Voelker v. IRS, 489 F. Supp. 40 (E.D. Mo. 1980), rev'd & remanded, 646 F.2d 332 (8th Cir. 1981).
Request for access, exemption (k)(5), attorney's fees	Volz v. DOJ, No. Civ-77-0635-E (W.D. Okla. 1978), rev'd, 619 F.2d 49 (10th Cir. 1980), cert. denied, 449 U.S. 982 (1980).
Amendment of records, exemption (j)(2)	Von Tempske v. HHS, 2 GDS ¶82,091 (W.D. Mo. 1981).
Civil damages, unlawful destruction of records, system of records	Waldrop v. Department of the Air Force, No. CV-79-4013 (S.D. Ill. 1981).
Improper disclosure, order of a court of competent jurisdiction	Weahkee v. Norton, 621 F.2d 1080 (10th Cir. 1980).
System of records	Weber v. United States, No. CV-78-1473-R(S) (C.D. Cal. 1979).
Amendment of records, records	White v. Civil Service Comm'n, No. 77-0274 (D.D.C. 1978), aff'd, 589 F.2d 713 (D.C. Cir. 1978), cert. denied, 444 U.S. 830 (1979).
Request for access, exemption (k)(5)	White v. OPM, 1 GDS ¶80,267 (D.D.C. 1980), aff'd, Nos. 80-2349, 80-2436 (D.C. Cir. 1981), rehearing denied, 2 GDS ¶81,393 (D.C. Cir. 1981).
Amendment of records, exemption (k)(2)	Wohlgemuth v. IRS, 1 GDS ¶80,117 (N.D. Ohio 1980).
Social Security numbers	Wolman v. United States Selective Service System, 501 F. Supp. 310 (D.D.C. 1980), remanded mem., 675 F.2d 1341 (D.C. Cir. 1982), on remand, 542 F. Supp. 84 (D.D.C. 1982).
FOIA/PA interface	Woo v. Reinhardt, 2 GDS ¶82,080 (D.D.C. 1981).
FOIA/PA interface, civil damages, failure to grant access	Wren v. Harris, 675 F.2d 1144 (10th Cir. 1982).
Exemptions (j)(2), (k)(2), FOIA/PA interface	Yarrington v. FBI, No. 80-2599 (E.D. La. 1981), aff'd, No. 81-3104 (5th Cir. 1982).
Request for access, FOIA/PA interface, records, individual (definition), amendment of records	Zeller v. United States, 467 F. Supp. 487 (E.D.N.Y. 1979).
Civil damages, improper disclosure	Zerilli v. Bell, 458 F. Supp. 26 (D.D.C. 1978), aff'd sub nom. Zerilli v. Smith, 656 F.2d 705 (D.C. Cir. 1981).

Associated Dry Goods Corp. v. EEOC, 419 F. Supp. 814 (E.D. Va. 1976), additional issues decided, 454 F. Supp. 387 (E.D. Va. 1978), aff'd, 607 F.2d 1075 (4th Cir. 1979), rev'd & remanded on other grounds, 449 U.S. 590 (1981).

Babcock & Wilcox Co. v. Rumsfeld, 70 F.R.D. 595 (N.D. Ohio 1976).

Bethlehem Steel Corp. v. Kreps, No. Y-78-837 (D. Md. 1980).

Broadview Savings & Loan Co. v. Federal Home Loan Bank Board, No. C-77-1195 (N.D. Ohio 1979) (order of remand).

Br[illegible]ood Medical Center, Inc. v. Califano, 470 F. Supp. 1247 (N.D. [illegible]a. 1979), aff'd, 614 F.2d 1295 (5th Cir. 1980).

Burroughs Corp. v. Brown, 501 F. Supp. 375 (E.D. Va. 1980), rev'd & remanded, 654 F.2d 294 (4th Cir. 1981).

Burroughs Corp. v. Schlesinger, 403 F. Supp. 633 (E.D. Va. 1975).

Caspe v. United States, 1 GDS ¶80,048 (S.D. Iowa 1980).

Cedars Nursing & Convalescent Center, Inc. v. Aetna Life Insurance & Casualty Co., 472 F. Supp. 296 (E.D. Pa. 1979).

Cell Associates, Inc. v. National Institutes of Health, 579 F.2d 1155 (9th Cir. 1978).

Charles River Park "A," Inc. v. HUD, 360 F. Supp. 212 (D.D.C. 1973), rev'd & remanded, 519 F.2d 935 (D.C. Cir. 1975).

Chevron Chemical Co. v. Costle, 443 F. Supp. 1024 (N.D. Cal. 1978).

Chrysler Corp. v. Marshall, No. 74-850C (E.D. Mo. 1978).

Chrysler Corp. v. Schlesinger, 412 F. Supp. 171 (D. Del. 1976), rev'd, 565 F.2d 1172 (3d Cir. 1977), rev'd sub nom. Chrysler Corp. v. Brown, 441 U.S. 281 (1979), on remand, 611 F.2d 439 (3d Cir. 1979).

Clements Wire & Manufacturing Co. v. NLRB, 589 F.2d 894 (5th Cir. 1979).

CNA Financial Corp. v. Donovan, 2 GDS ¶82,107 (D.D.C. 1981).

Consumers Union v. Consumer Product Safety Comm'n, 400 F. Supp. 848 (D.D.C. 1975), rev'd & remanded, 561 F.2d 349 (D.C. Cir. 1977), rev'd & remanded sub nom. GTE Sylvania, Inc. v. Consumers Union, 434 U.S. 1030 (1978), on remand, 590 F.2d 1209 (D.C. Cir. 1978), rev'd, 445 U.S. 375 (1980).

Continental Oil Co. v. FPC, 519 F.2d 31 (5th Cir. 1975), cert. denied sub nom. Superior Oil Co. v. FPC, 425 U.S. 971 (1976).

Continental Stock Transfer & Trust Co. v. SEC, 566 F.2d 373 (2d Cir. 1977).

Crim v. FBI, 2 GDS ¶82,195 (D. Conn. 1982).

Crown Central Petroleum Corp. v. Kleppe, 424 F. Supp. 744 (D. Md. 1976).

Doctors Hospital of Sarasota, Inc. v. Califano, 455 F. Supp. 476 (M.D. Fla. 1978).

Exxon Corp. v. Donovan, 2 GDS ¶81,383 (D.D.C. 1981).

Florida Medical Ass'n v. HEW, 454 F. Supp. 326 (M.D. Fla. 1978), subsequent decision, 479 F. Supp. 1291 (M.D. Fla. 1979), rev'd, 601 F.2d 199 (5th Cir. 1979).

Fountainhead Group, Inc. v. Consumer Product Safety Comm'n, 527 F. Supp. 294 (N.D.N.Y. 1981).

General Dynamics Corp. v. Dunlop, 427 F. Supp. 578 (E.D. Mo. 1976), rev'd & remanded sub nom. General Dynamics Corp. v. Marshall, 572 F.2d 1211 (8th Cir. 1978), cert. granted, vacated & remanded, 441 U.S. 919 (1979), on remand, 607 F.2d 234 (8th Cir. 1979).

General Motors Corp. v. Marshall, 1 GDS ¶80,019 (E.D. Va. 1980), rev'd & remanded, 654 F.2d 294 (4th Cir. 1981).

GTE Sylvania, Inc. v. Consumer Product Safety Comm'n, 443 F. Supp. 1152 (D. Del. 1977), aff'd, 598 F.2d 790 (3d Cir. 1979), aff'd, 447 U.S. 102 (1980).

Guerra v. Guajardo, 466 F. Supp. 1046 (S.D. Tex. 1978), aff'd, 597 F.2d 769 (5th Cir. 1979).

Gulf Oil Corp. v. Marshall, 1 GDS ¶79,163 (D.D.C. 1979).

Holiday Inns, Inc. v. Kleppe, 40 Ad.L.2d (P&F) 66 (W.D. Tenn. 1976).

Honeywell Information Systems, Inc. v. Andrus, No. 77-2018 (D.D.C. 1978).

Honeywell Information Systems, Inc. v. NASA, Nos. 76-353, 76-377 (D.D.C. 1976).

Hospital Affiliates International, Inc. v. Califano, No. 78-226-Civ-J-S (M.D. Fla. 1978).

Hospital Affiliates International, Inc. v. Califano, 1 GDS ¶79,152 (N.D. Ill. 1979).

Hughes Aircraft Co. v. Schlesinger, 384 F. Supp. 292 (C.D. Cal. 1974).

Humana of Virginia, Inc. v. Blue Cross of Virginia, 455 F. Supp. 1174 (E.D. Va. 1978), rev'd & remanded, 622 F.2d 76 (4th Cir. 1980).

Jaymar-Ruby, Inc. v. FTC, 496 F. Supp. 838 (N.D. Ind. 1980), aff'd, 651 F.2d 506 (7th Cir. 1981).

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Nationwide Mutual Insurance Co. v. Freedman, 451 F. Supp. 736 (D. Md. 1978).

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Norman S. Fink Engineering Co. v. Duncan, 2 GDS ¶82,007 (E.D. Wash. 1981).

Northern Television, Inc. v. FCC, 1 GDS ¶80,124 (D.D.C. 1980).

Parkridge Hospital v. Blue Cross & Blue Shield, 430 F. Supp. 1030 (E.D. Tenn. 1977), rev'd sub nom. Parkridge Hospital v. Califano, 625 F.2d 719 (6th Cir. 1980).

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THE FREEDOM OF INFORMATION ACT

5 U.S.C. §552

As Amended

§552. Public Information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall

be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if--

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether the agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall--

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extention for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request--

(i) the need to search for and collect the requested records from field facilities or other establshments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single

request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are--

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related soley to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include--

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

THE PRIVACY ACT OF 1974

5 U.S.C. §552a

§552a. Records maintained on individuals

(a) Definitions.--For purposes of this section--

(1) the term "agency" means agency as defined in section 552(e) of this title;

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(5) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(6) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and

(7) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) Conditions of disclosure.--No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be--

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record,

and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) pursuant to the order of a court of competent jurisdiction.

(c) Accounting of Certain Disclosures.--Each agency, with respect to each system of records under its control shall--

(1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of--

(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

(B) the name and address of person or agency to whom the disclosure is made;

(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and

(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) Access to records.--Each agency that maintains a system of records shall--

(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

(2) permit the individual to request amendment of a record pertaining to him and--

(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowleye in writing such receipt; and

(B) promptly, either--

(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;

(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of civil action or proceeding.

(e) Agency requirements.--Each agency that maintains a system of records shall--

(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate from that can be retained by the individual--

(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(B) the principal purpose or purposes for which the information is intended to be used;

(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

(D) the effects on him, if any, of not providing all or any part of the requested information;

(4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register at least annually a notice of the existence and character of the system of records, which notice shall include--

(A) the name and location of the system;

(B) the categories of individuals on whom records are maintained in the system;

(C) the categories of records maintained in the system;

(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(F) the title and business address of the agency official who is responsible for the system of records;

(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(I) the categories of sources of records in the system;

(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(10) establish appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views or arguments to the agency.

(f) Agency rules.--In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall--

(1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records pertaining to him;

(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

(g)(1) Civil remedies.--Whenever any agency

(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section;

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with this request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency record improperly withheld from him. In such case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of--

(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in the controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of disclosure of a record prior to September 27, 1975.

(h) Rights of legal guardians.--For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(i)(1) Criminal penalties.--Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

(j) General exemptions.--The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of section 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is--

(1) maintained by the Central Intelligence Agency; or

(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (c) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(k) Specific exemptions.--The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is--

(1) the subject to the provisions of section 552(b)(1) of this title;

(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

(4) required by statute to be maintained and used solely as statistical records;

(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(l)(1) Archival records.--Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the Federal Register.

(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United

States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4)(A) through (G) and (e)(9) of this section.

(m) Government contractors.--When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

(n) Mailing lists.--An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(o) Report on new systems.--Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(p) Annual report.--The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section.

(q) Effect of other laws.--No agency shall rely on any exemptions contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section.

The following sections were originally part of the Privacy Act but were not codified:

Sec. 6 The Office of Management and Budget shall--

(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

Sec. 7 (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or

(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

THE GOVERNMENT IN THE SUNSHINE ACT

5 U.S.C. §552b

§552b. Open meetings

(a) For purposes of this section--

(1) the term "agency" means any agency, as defined in section 552(e) of this title, headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) the term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

(3) the term "member" means an individual who belongs to a collegial body heading an agency.

(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to--

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate soley to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would--

(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or

(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action.

except that subparagraph (B) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

(d)(1) Action under subsection (c) shall be taken only when a majority of the entire membership of the agency (as defined in subsection (a)(1)) votes to take such action. A separate vote of the agency members shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to subsection (c), or with respect to any information which is proposed to be withheld under subsection (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no

more than thirty days after the initial meeting in such series. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of subsection (c), the agency, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (1) or (2), the agency shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the agency shall, within one day of the vote taken pursuant to paragraph (1) or (2) of this subsection, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof in the event that a majority of the members of the agency votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each member on the question, is made available to the public. The provisions of paragraphs (1), (2), and (3) of this subsection and subsection (e) shall not apply to any portion of a meeting to which such regulations apply; Provided, That the agency shall, except to the extent that such information is exempt from disclosure under the provisions of subsection (c), provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (1) only if the agency publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (A) a majority of the entire membership of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (B) the agency publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by this subsection, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting, shall also be submitted for publication in the Federal Register.

(f)(1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9)(A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under subsection (c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any agency proceeding with respect to which the meeting or portion was held, whichever occurs later.

(g) Each agency subject to the requirements of this section shall, within 180 days after the date of enactment of this section, following consultation with the Office of the Chairman of the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any person, promulgate regulations to implement the requirements of subsections (b) through (f) of this section. Any person may bring a proceeding in the United States District Court for the District of Columbia to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein. Subject to any limitations of time provided by law, any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside agency regulations issued

pursuant to this subsection that are not in accord with the requirements of subsections (b) through (f) of this section and to require the promulgation of regulations that are in accord with such subsections.

(h)(1) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (b) through (f) of this section by declaratory judgment, injunctive relief, or other relief as may be appropriate. Such actions may be brought by any person against an agency prior to, or within sixty days after, the meeting out of which the violation of this section arises, except that if public announcement of such meeting is not initially provided by the agency in accordance with the requirements of this section, such action may be instituted pursuant to this section at any time prior to sixty days after any public announcement of such meeting. Such actions may be brought in the district court of the United States for the district in which the agency meeting is held or in which the agency in question has its headquarters, or in the District Court for the District of Columbia. In such actions a defendant shall serve his answer within thirty days after the service of the complaint. The burden is on the defendant to sustain his action. In deciding such cases the court may examine in camera any portion of the transcript, electronic recording, or minutes of a meeting closed to the public, and may take such additional evidence as it deems necessary. The court, having due regard for orderly administration and the public interest, as well as the interests of the parties, may grant such equitable relief as it deems appropriate, including granting an injunction against future violations of this section or ordering the agency to make available to the public such portion of the transcript, recording or minutes of a meeting as is not authorized to be withheld under subsection (c) of this section.

(2) Any Federal court otherwise authorized by law to review agency action may, at the application of any person properly participating in the proceeding pursuant to other applicable law, inquire into violations by the agency of the requirements of this section and afford such relief as it deems appropriate. Nothing in this section authorizes any Federal court having jurisdiction solely on the basis of paragraph (1) to set aside, enjoin, or invalidate any agency action (other than an action to close a meeting or to withhold information under this section) taken or discussed at any agency meeting out of which the violation of this section arose.

(i) The court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with the provisions of subsection (g) or (h) of this section, except that costs may be assessed against the plaintiff only where the court finds that the suit was initiated by the plaintiff primarily for frivolous or dilatory purposes. In the case of assessment of costs against an agency, the costs may be assessed by the court against the United States.

(j) Each agency subject to the requirements of this section shall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

(k) Nothing herein expands or limits the present rights of any person under section 552 of this title, except that the exemptions set forth in subsection (c) of this section shall govern in the case of any request made pursuant to section 552 to copy or inspect the transcript, recordings, or minutes described in subsection (f) of this section. The requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of this section.

(l) This section does not constitute authority to withhold any information from Congress, and does not authorize the closing of any agency meeting or portion thereof required by any other provision of law to be open.

(m) Nothing in this section authorizes any agency to withhold from any individual any record, including transcripts, recordings, or minutes required by this section, which is otherwise accessible to such individual under section 552a of this title.

FEDERAL ADVISORY COMMITTEE ACT

5 U.S.C. App. I.

§1. Short title

This Act may be cited as the "Federal Advisory Committee Act."

§2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal government.

(b) The Congress further finds and declares that--

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

§3. Definitions

For the purpose of this Act--

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is--

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory

Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

§4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by--

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any state or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

§5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall--

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publications of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which shall assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

§6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by the Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress of the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

§7. Responsibilities of the Director, Office of Management and Budget; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations--

(a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Director shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine--

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that--

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of Title 5; and

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons employed intermittently in the Government service; and

(C) such members--

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5), may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent--

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

§8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Director under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall--

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of Section 552 of Title 5, with respect to such reports, records, and other papers.

§9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is--

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

§10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) Subject to section 552 of Title 5, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of Title 5. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

§11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of Title 5.

§12. Fiscal and administrative provisions; record-keeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller

General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

§13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of Title 5, the Director shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

§14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

SHORT GUIDE TO THE FREEDOM OF INFORMATION ACT

The "Short Guide to the Freedom of Information Act" is an overview discussion of the FOIA's exemptions and its most important procedural aspects. The first such "Short Guide" originated with Robert L. Saloschin, Director of the former Office of Information Law and Policy (a predecessor office to the Office of Information and Privacy), together with Thomas C. Newkirk (formerly of the Justice Department's Office of Legal Counsel) and Donald J. Gavin (Special Litigation Counsel in the Justice Department's Tax Division), and it was perpetuated by Douglas S. Wood, former Deputy Director and Acting Director of the Office of Information Law and Policy.

The following "Short Guide" is a completely new FOIA overview prepared by the attorney and paralegal staff of the Office of Information and Privacy. Any inquiry about the points addressed in this "Short Guide," or regarding any aspect of FOIA administration or interpretation, should be made through the Office of Information and Privacy's FOIA Counsellor Service at (FTS) 724-7400.

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I. INTRODUCTION

The Freedom of Information Act, 5 U.S.C. §552, as amended, generally provides that any person has a right, enforceable in court, to access to federal agency records, except to the extent that such records, or portions thereof, are protected from disclosure by one of nine exemptions.

Enacted in 1966, the FOIA established for the first time a statutory right of access to government information. The principle underlying the FOIA, however, is inherent in the democratic ideal: "The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." National Labor Relations Board v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978).

Yet achieving an informed citizenry is a goal counterposed with other vital societal aims. Indeed, society's interest in an open government can conflict with its interest in protecting personal privacy rights and with the overriding public need for pre-

serving the confidentiality of national defense and criminal investigative matters, among other matters. Though tensions among these competing interests are characteristic of a democratic society, their resolution lies in providing a workable formula which encompasses, balances, and appropriately protects all interests, while placing emphasis on fully responsible disclosure. See S. Rep. No. 813, 89th Cong., 1st Sess. 3 (1965). It is this task of accommodating opposing concerns, with disclosure as the primary objective, that the FOIA seeks to accomplish.

The FOIA evolved after a decade of debate among agency officials, legislators and public interest group representatives. It revised the public disclosure section of the Administrative Procedure Act, 5 U.S.C. §1002, which generally had been recognized as falling far short of its disclosure goals and had come to be looked upon more as a withholding statute than a disclosure statute. See S. Rep. No. 813, 89th Cong., 1st Sess. 5 (1965).

In contrast, given the thrust and structure of the FOIA, virtually every record generated by a federal agency must be made available to the public in one form or another, unless it is specifically exempt from disclosure. The nine exemptions of the FOIA are generally exclusive, 5 U.S.C. §552(c), and are discretionary, not mandatory. Chrysler Corp. v. Brown, 441 U.S. 281, 293 (1979). Aggrieved record requesters are given a relatively speedy remedy in the United States district courts, where judges determine the propriety of agency withholding de novo, and agencies bear the burden of sustaining their actions. See 5 U.S.C. §552(a)(4)(B)-(D).

The FOIA contains five subsections, the first of which establishes two categories of information which must automatically be disclosed. Subsection (a)(1) of the FOIA requires publication in the Federal Register of information such as descriptions of agency organization, functions, procedures, substantive rules, and statements of general policy. This requirement provides automatic public access to important general information regarding the transaction of agency business.

Subsection (a)(2) requires that materials such as final opinions made in the adjudication of cases, specific policy statements and certain administrative staff manuals be routinely made available for public inspection. Additionally, such materials are required to be indexed to facilitate public inspection. Public access to such information serves to prevent the development of "secret law" known to agency personnel but not to members of the public who must deal with agencies.

Under subsection (a)(3)--by far the most commonly referenced portion of the FOIA--all records not covered by subsections (a)(1) or (a)(2), or exempted from mandatory disclosure by subsection (b), are subject to disclosure upon an agency's receipt of a specific and proper access request from any person. (See discussions of the procedural aspects of subsection (a)(3), and the exemptions of subsection (b), infra.)

Subsection (c) of the FOIA makes clear that the FOIA was not intended to authorize any new withholding of information, including from Congress. Subsection (d) requires annual reports to Congress from each federal agency regarding its FOIA operations and an annual report from the Attorney General regarding FOIA litigation and the Department of Justice's efforts (through the Office of Information and Privacy) to encourage agency compliance with the FOIA. Subsection (e) defines the term "agency" so as to subject the records of nearly all executive branch entities to the FOIA.

As originally enacted in 1966, the FOIA contained, in the views of many, various weaknesses which detracted from its ideal operation. In response, the courts fashioned certain procedural devices, such as the requirement of a "Vaughn Index"--a detailed index of withheld documents and the justification for their exemption, first established in Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974)--and the requirement that agencies release segregable nonexempt portions of a partially-exempt record, first established in Environmental Protection Agency v. Mink, 410 U.S. 73, 91 (1973).

In an effort to extend further the FOIA's disclosure requirements, and also as a reaction to the abuses of the Watergate era, the FOIA was substantially amended in 1974. The 1974 amendments considerably narrowed the overall scope of the FOIA's exemptions, particularly the law enforcement and national security exemptions, and broadened many of the FOIA's procedural provisions, such as those relating to fees, time limits, segregability, and in camera inspection of withheld information by the courts.

In 1976, Congress again limited what could be withheld as exempt from disclosure under the FOIA, this time by narrowing its incorporation of the disclosure prohibitions of other statutes. (See discussion of Exemption 3 infra.) A minor change was made in 1978 to update the FOIA's provision for disciplinary proceedings. See 5 U.S.C. §552(a)(4)(F).

In 1981, after several years of administrative experience with the FOIA, as amended, Congressional hearings demonstrated that the FOIA is in need of both substantive and procedural reform. Consequently, new FOIA amendments have been advanced through the legislative process with the aim of providing necessary strengthening of several FOIA exemptions and needed reform of many of its procedural provisions. (See FOIA Update, June 1982, at 1-2.)

In sum, the FOIA is a vital, continuously developing mechanism which, if refined to accommodate society's conflicting interests in an open yet smoothly functioning government, can truly enhance our democratic way of life.

II. PROCEDURAL REQUIREMENTS

Each federal agency is required to publish in the Federal Register its procedural regulations governing access to records under the FOIA. 5 U.S.C. §552(a)(3). See, e.g., 28 C.F.R. Part 16, Subpart A (1981) (Department of Justice FOIA regulations). These regulations must inform the public of where and how to address requests; of what types of records are maintained by the agency; of its schedule of fees for search and duplication; and of its administrative appeal procedure. An agency may occasionally waive some aspect of its published procedures for reasons of public interest, speed or simplicity.

A FOIA request can be made by "any person," as defined in 5 U.S.C. §551(2), which encompasses individuals (including foreign citizens), partnerships, corporations, associations and governments. The only apparent exception to this broad "any person" standard is for persons who flout the law, such as a fugitive from justice. In Doyle v. Department of Justice, 494 F. Supp. 842, 843 (D.D.C. 1980), aff'd, 668 F.2d 1365 (D.C. Cir. 1981), it was held that a fugitive from justice was not entitled to enjoyment of the FOIA's access provisions; because such persons have removed themselves from the jurisdiction of

the courts, they cannot reasonably expect judicial aid in obtaining government records.

FOIA requests can be made for any reason, as no showing of relevancy or purpose is required. The law is clear that persons seeking information under the FOIA do not have to state a reason. By the same token, the Supreme Court has stated, a FOIA requester's basic rights to access "are neither increased nor decreased" by virtue of having a greater interest in the records than that of an average member of the general public. NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 143 n.10 (1975). However, such considerations do logically have a bearing on certain procedural aspects of the FOIA, such as expedited treatment, waiver or reduction of fees, discretionary release and the award of attorney's fees and costs to a successful FOIA plaintiff, where the agency must examine a requester's need or purpose in seeking records.

The FOIA specifies only two requirements for access requests, that they "reasonably describe" the records sought, see 5 U.S.C. §552(a)(3)(A), and that they be made in accordance with agencies' published procedural regulations, see 5 U.S.C. §552(a)(3)(B). The legislative history indicates that a description of a requested record is sufficient if it enables a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort." See H.R. Rep. No. 93-876, 93d Cong., 2d Sess. 6 (1974), reprinted in 1974 U.S. Code Cong. & Ad. News 6271. See also, e.g., Goland v. Central Intelligence Agency, 607 F.2d 339, 353 (D.C. Cir. 1978), cert. denied, 445 U.S. 927 (1980); Marks v. Department of Justice, 578 F.2d 261, 263 (9th Cir. 1978). In Devine v. Marsh, 2 GDS ¶82,022 at 82,186 (E.D. Va. 1981), it was held that a request was invalid because it required an agency's FOIA staff either to have "clairvoyant capabilities" to discover the requester's needs or to spend "countless numbers of personnel hours seeking needles in bureaucratic haystacks." It thus is the duty of FOIA requesters to frame their requests with sufficient specificity that they are not unreasonably burdensome or excessively broad.

Requests should also be made in full compliance with an agency's procedural regulations. Until a request is properly received by an agency, and further by the proper component of that agency, there is no obligation on the agency to search, to meet time deadlines or to release documents. Requests not filed in accordance with published regulations are not deemed to have been received until such time as they are identified as proper FOIA requests by agency employees. See, e.g., 28 C.F.R. §16.3(a) (1981).

For its part, an agency in receipt of a proper FOIA request is required to inform the requester of its decision to grant or deny access to the requested records within ten working days. See 5 U.S.C. §552(a)(6)(A)(i). Agencies are not required to actually release records within the ten days, but access to records should be granted "promptly" thereafter. See 5 U.S.C. §552(a)(6)(C). The FOIA provides for extensions of such time limits for specific situations: (1) the need to search for and collect records from separate offices; (2) the need to examine a voluminous amount of records required by the request; and (3) the need to consult with another agency or component. See 5 U.S.C. §552(a)(6)(B). Determinations of administrative appeals are required to be made within twenty working days. See 5 U.S.C. §552(a)(6)(A)(ii).

All notifications to requesters of determinations of initial requests and appeals should contain certain specific information. An initial request decision must inform the requester of the

reasons for denial, of the right to appeal and of the name and title of each person responsible for the denial. See 5 U.S.C. §552(a)(6)(A)(i); 5 U.S.C. §552(a)(6)(C). An administrative appeal decision must inform the requester of the reasons for denial, of the requester's right to judicial review in the federal courts and of the name and title of each person responsible for the appeal denial. See 5 U.S.C. §552(a)(6)(A)(ii); 5 U.S.C. §552(a)(6)(C). Notifications to requesters should also generally contain other information, such as when and where records will be made available; any charges which must be paid prior to the granting of access; what records are or are not responsive to the request; the date of receipt of the request/appeal; and the nature of the request/appeal and the agency's interpretation of it. As the letter of notification is potentially the initial basis for the agency's position in the event of litigation, it should be as comprehensive as reasonably possible.

An agency's failure to comply with either the initial request or the administrative appeal time limits may be treated as a constructive exhaustion of administrative remedies and judicial review may immediately be sought. See 5 U.S.C. §552(a)(6)(C). However, if an agency can show that its failure to meet the statutory time limits resulted from "exceptional circumstances" and that it is applying "due diligence" in processing the request, the agency may be allowed additional time to complete such processing. Id. In this connection, the need to process an extremely large volume of requests has been held to constitute "exceptional circumstances," and the commitment of large amounts of resources to process requests on a first-come, first-served basis has been held to constitute "due diligence" under this subsection. See Open America v. Watergate Special Prosecution Force, 547 F.2d 605, 616 (D.C. Cir. 1976). (A further treatment of this principle may be found in the discussion of litigation considerations infra.)

III. EXEMPTION 1

Exemption 1 of the FOIA, 5 U.S.C. §552(b)(1), protects from disclosure national security information concerning the national defense or foreign relations, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order. The applicable executive order currently in effect is Executive Order 12356, 47 Fed. Reg. 14874 (April 6, 1982), which replaced predecessor Executive Order 12065 as of August 1, 1982. The salient features of Executive Order 12356 will be discussed infra. (See also FOIA Update, June 1982, at 6-7.)

In order to appreciate the evolution of Exemption 1, it is necessary to briefly review the earlier decisions construing it and its legislative history. In 1973, the Supreme Court in Environmental Protection Agency v. Mink, 410 U.S. 73, 84 (1973), held that the fact of procedurally proper agency classification barred further judicial review, thereby also precluding in camera review of information withheld under this exemption. Responding in large part to the thrust of that decision, Congress amended the FOIA in 1974 to provide expressly for de novo review by the courts and for in camera review of documents, including classified documents, where appropriate. See 5 U.S.C. §552(a)(4)(B). In so doing, Congress apparently sought to ensure that national security records are properly classified by agencies and that reviewing courts remain cognizant of their authority to verify the correctness of agency classification determinations. See

H.R. Rep. No. 12471, 93d Cong., 2d Sess. 127-28 (1974), reprinted in 1974 U.S. Code Cong. & Ad. News 6267.

Numerous litigants thereafter challenged the sufficiency of agency affidavits in Exemption 1 cases, requesting in camera review by the courts and hoping to obtain disclosure of challenged documents. Nevertheless, courts initially relied on agency affidavits as a matter of routine, in the absence of evidence of bad faith on the part of an agency. See, e.g., Weissman v. Central Intelligence Agency, 565 F.2d 692, 698 (D.C. Cir. 1977). In Ray v. Turner, 587 F.2d 1187 (D.C. Cir. 1978), however, the United States Court of Appeals for the District of Columbia Circuit departed somewhat from such routine reliance on agency affidavits, prescribing in camera review to facilitate full de novo determinations of Exemption 1 claims, even where there was no showing of bad faith on the part of the agency. See 587 F.2d at 1194-95. The court also set forth a standard for de novo review in national security cases:

> (1) The government has the burden of establishing an exemption. (2) The court must make a de novo determination. (3) In doing this, it must first 'accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record. (4) Whether and how to conduct an in camera examination of the documents rests in the sound discretion of the court, in national security cases as in all other cases.

Id. at 1194 (citations omitted).

In Halperin v. Central Intelligence Agency, 629 F.2d 144 (D.C. Cir. 1980), though, the D.C. Circuit further refined the appropriate standard for judicial review of national security claims under Exemption 1 (or under Exemption 3, in conjunction with certain national security protection statutes), finding that summary judgment is entirely proper if an agency's affidavits are reasonably specific and there is no evidence of bad faith. See 629 F.2d at 148. Rather than conduct a detailed inquiry, the court deferred to the expert opinion of the agency, noting that judges "lack the expertise necessary to second-guess such agency opinions in the typical national security FOIA case." Id. This review standard was reaffirmed in Military Audit Project v. Casey, 656 F.2d 724, 738 (D.C. Cir. 1981), where the D.C. Circuit emphasized the deference due an agency's classification judgment. See also Salisbury v. United States, ___ F.2d ___, slip op. at 6 (D.C. Cir. Sept. 21, 1982) (No. 81-1657); Phillippi v. Central Intelligence Agency, 655 F.2d 1325, 1332 (D.C. Cir. 1981). Indeed, if an agency affidavit passes muster under this standard, in camera review is not appropriate because substantial weight must be accorded that affidavit. See Hayden v. National Security Agency, 608 F.2d 1381, 1387 (D.C. Cir. 1979), cert. denied, 446 U.S. 937 (1980); Lead Industries, Inc. v. OSHA, 610 F.2d 70, 88 (2d Cir. 1979); but see also Allen v. Central Intelligence Agency, 636 F.2d 1287, 1291 (D.C. Cir. 1980) (in camera review particularly appropriate where only small volume of records involved).

In this same vein, the Seventh Circuit Court of Appeals in Stein v. Department of Justice, 662 F.2d 1245, 1253 (7th Cir. 1981), analyzed the legislative history of the 1974 FOIA amendments, and concluded that "Congress did not intend that the courts would make a true de novo review of classified documents, that is, a fresh determination of the legitimacy of each classified document." 662 F.2d at 1253. Rather, they should look to the "sufficiency of the agency affidavits" and to the existence of contrary evidence

or evidence of bad faith by the agency; only if the affidavits are insufficient should the agency be required to produce more information or the documents themselves. Id. See also Gardels v. Central Intelligence Agency, ___ F.2d ___, slip op. at 6-7 (D.C. Cir. Sept. 28, 1982) (No. 81-1567).

As shown by these decisions, courts are usually reluctant to substitute their judgment in place of the agency's expertise, or its "unique insights," especially in the national security context. See, e.g., Marks v. Casey, Civil No. 77-1108, slip op. at 2 (D.D.C. Aug. 16, 1982) (quoting Military Audit Project v. Casey, 656 F.2d at 738). Only in one instance has an appellate court upheld a decision to reject an agency's classification claim. In Holy Spirit Ass'n v. Central Intelligence Agency, 636 F.2d 838, 845 (D.C. Cir. 1980), the D.C. Circuit let stand a district court determination that the CIA's affidavits were general and conclusory and that its Exemption 1 claims were "overly broad." However, that portion of the D.C. Circuit's decision was subsequently vacated by the Supreme Court. Central Intelligence Agency v. Holy Spirit Ass'n, 102 S.Ct. 1626 (1982). By contrast, the D.C. Circuit very recently held that Department of the Army classification affidavits were entitled to "the utmost deference." Taylor v. Department of the Army, 684 F.2d 99, 109 (D.C. Cir. 1982). While the standard of review is thus often expressed in different ways, courts have generally deferred to agency expertise in national security cases.

There are numerous instances wherein courts have permitted agencies to submit in camera affidavits in order to protect certain national security information which could not be discussed in a public affidavit. See, e.g., Salisbury v. United States, ___ F.2d ___, slip op. at 12-13 (D.C. Cir. Sept. 21, 1982) (No. 81-1657); Stein v. Department of Justice, 662 F.2d at 1255-56; Hayden v. National Security Agency, 608 F.2d at 1385; Phillippi v. Central Intelligence Agency, 546 F.2d 1009, 1013 (D.C. Cir. 1976). Agencies taking such an extraordinary step, however, are under a duty to "create as complete a public record as is possible" before doing so. Id. In this regard, it also now appears settled that counsel for plaintiffs are not entitled to participate in such in camera proceedings. See Salisbury v. United States, ___ F.2d ___, slip op. at 12-13 n.3 (D.C. Cir. Sept. 21, 1982) (No. 81-1657); Weberman v. National Security Agency, 668 F.2d 676, 678 (2d Cir. 1982); Hayden v. National Security Agency, 608 F.2d 1385-86.

Agencies have in other cases been compelled to submit in camera affidavits where disclosure in a public affidavit would vitiate the protection afforded by Exemption 1. Such a procedure is sometimes employed where even the confirmation or denial of the existence of records at issue would pose a threat to the national security. See, e.g., Phillippi v. Central Intelligence Agency, 546 F.2d at 1013. (The request in Phillippi was for documents pertaining to the Glomar Explorer submarine; consequently, the "neither confirm nor deny" response has come to be known as a "Glomar" denial, or as "Glomarization.") See also Gardels v. Central Intelligence Agency, 510 F. Supp. 977, 979 (D.D.C. 1981), aff'd, ___ F.2d ___ (D.C. Cir. Sept. 28, 1982) (No. 81-1567).

Several courts also have had occasion to consider whether agencies have a duty to disclose classified information which has purportedly found its way into the public domain. As a general rule, Exemption 1 claims should not be disturbed by allegations that classified information has been leaked to the press or otherwise made available to members of the public. Courts have carefully scrutinized the distinction between a bona fide declassification or official release and unsubstantiated specula-

tion lacking official confirmation, holding that classified information is not considered to be in the public domain unless there has been official disclosure of it. See Salisbury v. United States, ___ F.2d ___, slip op. at 7-8 (D.C. Cir. Sept. 21, 1982) (No. 81-1457); Stein v. Department of Justice, 662 F.2d at 1259; Military Audit Project v. Casey, 656 F.2d at 744; Phillippi v. Central Intelligence Agency, 655 F.2d at 1332; Hayden v. National Security Agency, 608 F.2d at 1388-89; Alfred A. Knopf, Inc. v. Colby, 509 F.2d 1362, 1370 (4th Cir.) cert. denied, 421 U.S. 992 (1975); Afshar v. Department of State, 1 GDS ¶80,260 at 80,684 (D.D.C. 1980) (appeal pending).

Another point to remember under Exemption 1 is the requirement that agencies segregate non-exempt information, provided that disclosure will not damage the national security or that the segregated information would have no meaning. See, e.g., Founding Church of Scientology v. Bell, 603 F.2d 945, 950-51 (D.C. Cir. 1979); Hayden v. National Security Agency, 608 F.2d at 1388; Dennis & Moore v. Department of the Treasury, 544 F. Supp. 94, 96 (C.D. Cal. 1982). The duty to release information that is reasonably segregable applies under Exemption 1 as well as to information withheld pursuant to other FOIA exemptions.

The course of future litigation of Exemption 1 claims will depend in part on precedents established under the new Executive Order on classification, Executive Order 12356. E.O. 12356 recognizes both the right of the public to be informed about activities of its government and the need to protect national security information from unauthorized or untimely disclosure. Therefore, information may not be classified unless "its disclosure reasonably could be expected to cause damage to the national security." Executive Order 12356, §1.1(a)(3). This standard is elaborated upon in §1.3 of the order which provides several types of information that may be considered for classification. Apart from widely recognized classifiable categories (e.g., foreign government information, intelligence sources or methods, foreign relations or foreign activities), E.O. 12356 includes as classifiable information which concerns "military plans, weapons, or operations," the "vulnerabilities or capabilities of systems, installations, projects, or plans," "cryptology," and "scientific, technological, or economic matters" relating to national security. Id. at §1.3. In those instances where there is "reasonable doubt" about the need to classify information, or to classify information at a higher level, E.O. 12356 permits classification pending a final determination within 30 days. Id. at §1.1(c).

Another important provision of Executive Order 12356 is that "information shall be classified as long as required by national security considerations." Id. at §1.4(a). Time frames no longer trigger automatic declassification. In addition, the new order prohibits automatic declassification because of "unofficial publication or inadvertent or unauthorized disclosure" of classified information. Id. at §1.3(d). In fact, declassified and disclosed information may be reclassified if the information is classifiable and "may reasonably be recovered." Id. at §1.6(c). Moreover, information may be "classified or reclassified" after it has been requested under the FOIA in accordance with criteria established by §1.6(d) of E.O. 12356. See also Dennis & Moore v. Department of the Treasury, 544 F. Supp. at 97-98; Lesar v. Department of Justice, 636 F.2d 472, 484-85 (D.C. Cir. 1980).

Two final considerations which the new executive order addresses have already been recognized by the courts. The "Glomar" denial, discussed supra, is incorporated in §1.4(f)(1) of E.O. 12356: "[A]n agency shall refuse to confirm or deny the existence

or nonexistence of requested information whenever . . . its existence or nonexistence is itself classifiable under this Order." Finally, the "mosaic" approach--that apparently harmless pieces of information, when assembled together, may reveal a damaging picture--is recognized in the very definition of classifiable information: "Information . . . shall be classified when . . . its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security." Id. at §1.3(b). The correctness of this approach was recognized by the D.C. Circuit in Halperin v. Central Intelligence Agency, 629 F.2d at 150 ("each individual piece of intelligence information, much like a piece of jigsaw puzzle, may aid in piecing together other bits of information even when the individual piece is not of obvious importance in itself"), and recently was explicitly endorsed by the D.C. Circuit in Salisbury v. United States, ___ F.2d ___, slip op. at 8 (D.C. Cir. Sept. 21, 1982) (No. 81-1657), where the court acknowledged the "mosaic-like nature of intelligence gathering."

IV. EXEMPTION 2

Exemption 2 of the FOIA encompasses information "related solely to internal personnel rules and practices of an agency." 5 U.S.C. §552(b)(2). It has two distinct aspects: (a) matters of a relatively trivial nature in which there is no legitimate public interest, and (b) matters of a more substantial nature which are the subject of some public interest. The former category has not generated an enormous amount of case law, partly because the plain meaning of Exemption 2 clearly embraces such information. It has been applied to withhold all sorts of information pertaining to internal rules and practices, including administrative and clerical markings such as file numbers, initials, signatures, cover letters, mail routing stamps, references to interagency transfers, data processing requests, and symbols used to refer to informants. See, e.g., Lesar v. Department of Justice, 636 F.2d 472, 485-86 (D.C. Cir. 1980); Scherer v. Kelley, 584 F.2d 170, 175-76 (7th Cir. 1978), cert. denied, 440 U.S. 964 (1979); Nix v. United States, 572 F.2d 998, 1005 (4th Cir. 1978); Maroscia v. Levi, 569 F.2d 1000, 1002 (7th Cir. 1977); Bubar v. Federal Bureau of Investigation, Civil No. 80-2907, slip op. at 5 (D.D.C. Sept. 3, 1982); Docal v. Bensinger, 543 F. Supp. 38, 42-43 (M.D. Pa. 1981); Nunez v. Drug Enforcement Administration, 497 F. Supp. 209, 211 (S.D.N.Y. 1980); Texas Instruments, Inc. v. United States Customs Service, 479 F. Supp. 404, 406-07 (D.D.C. 1979); Malloy v. Department of Justice, 457 F. Supp. 543, 544 (D.D.C. 1978).

The second category of information protectable under Exemption 2, matters about which there exists some public interest, has been much more controversial. Case law on the subject is scattered and inconsistent, which may reflect the differing if not inconsistent manner in which the House and Senate Reports addressed Exemption 2 when the FOIA was enacted. The Senate Report listed only trivial matters such as "rules as to personnel's use of parking facilities or regulations of lunch hours, statements of policy as to sick leave and the like" as within the coverage of Exemption 2. S. Rep. No. 813, 89th Cong., 1st Sess. 8 (1965). The House Report provided a much more expansive interpretation of the coverage of Exemption 2, stating that it was intended to include "[o]perating rules, guidelines, and manuals of procedure for Government investigators or examiners [which] would be exempt from disclosure, but [that] this exemption would not cover all 'matters of internal management' such as employee relations and working conditions and routine administrative procedures which

are withheld under present law." H.R. Rep. No. 1497, 89th Cong., 2d Sess. 10 (1966).

The Supreme Court recognized the apparent contradiction between the Senate and House Reports in Department of the Air Force v. Rose, 425 U.S. 352 (1976), a case in which the respondents sought to obtain case summaries of Air Force ethics hearings, and the Supreme Court found the Senate Report to be more authoritative. See 425 U.S. at 366. However, the Court also noted in dicta that the policy enunciated by the House Report perhaps might permit an agency to withhold matters of some public interest where necessary to prevent potential circumvention of laws or agency regulations. See id. at 364. This issue was not resolved by the Supreme Court, however, and its subsequent development through the decisions of the various circuits has produced a widely divergent body of case law.

The first United States court of appeals to consider the conflict between the Senate and House Reports was the Court of Appeals for the Sixth Circuit. It found the Senate Report to be controlling because of its view that the "plain import of the b-2 language clearly favors the Senate's interpretation," but it opined in dicta that 5 U.S.C. §552(a)(2)(C)--a procedural FOIA subsection which would appear to exclude law enforcement manuals from the automatic disclosure provisions of the FOIA--would bar disclosure of manuals whose release to the public would significantly impede the enforcement process. Hawkes v. IRS, 467 F.2d 787, 795, 797 (6th Cir. 1972).

Similarly, the Eighth Circuit has stated that "b-2 exempts only housekeeping matters" but nevertheless held a Drug Enforcement Administration manual nondisclosable under procedural subsection (a)(2)(C). Cox v. Department of Justice, 576 F.2d 1302, 1309-10 (8th Cir. 1978); see Cox v. Levi, 592 F.2d 460, 462-63 (8th Cir. 1979).

Other circuits have given Exemption 2 a more expansive reading by placing greater weight on the House Report. For example, the Second Circuit relied specifically on Exemption 2 in Caplan v. Bureau of Alcohol, Tobacco & Firearms, 587 F.2d 544 (2d Cir. 1978), in denying disclosure of a BATF manual. In Caplan, the Second Circuit pointed to evidence that the release of the requested information would hinder investigations, enable violators to avoid detection and jeopardize the safety of government agents, and accordingly concluded that it was a case where disclosure would risk circumvention of agency regulations or the law. See 587 F.2d at 547.

The Ninth Circuit articulated a similarly broad view of the scope of Exemption 2 in Hardy v. Bureau of Alcohol, Tobacco & Firearms, 631 F.2d 653 (9th Cir. 1980), where the requester sought portions of the same BATF manual requested in Caplan. See 631 F.2d at 654. The Ninth Circuit held that the materials would be exempt from disclosure under Exemption 2 if "the disclosure . . . may risk circumvention of agency regulation." Id. at 656.

The applicability of Exemption 2 to this category is further clouded by varying interpretations accorded it within the District of Columbia Circuit. In Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975), the plaintiff sought the release of reports prepared by the Civil Service Commission providing advice to agencies on how to improve their personnel programs. See 523 F.2d at 1139. The D.C. Circuit concluded that the Senate Report was authoritative and that Exemption 2 protects only routine "housekeeping" matters from disclosure. Id. at 1141. Later, in Jordan v. Department of Justice, 591 F.2d 753, 763 (D.C. Cir. 1978) (en banc), the D.C.

Circuit followed this narrow interpretation of Exemption 2, holding that guidelines for prosecutorial discretion are "not 'personnel' rules or practices . . . [i]t can only be concluded from the face of the statute that the [guidelines] are not within the specific language of Exemption 2."

Yet in Cox v. Department of Justice, 601 F.2d 1, 4 (D.C. Cir. 1979), the D.C. Circuit held that a "Marshal's Manual" containing details about the United States Marshals Service's weapons, handcuffs and transportation of prisoners was protected from disclosure by Exemption 2 because the deleted portions of the manual "unquestionably fall within (b)(2)'s exemption for routine matters of merely internal interest." This holding was distinguished from Jordan on the ground that the information withheld could not be the subject of a legitimate public interest. See id. at 4.

The D.C. Circuit attempted to resolve conclusively this Exemption 2 controversy, at least in the context of law enforcement manuals, in its en banc decision in Crooker v. Bureau of Alcohol, Tobacco & Firearms, 670 F.2d 1051 (D.C. Cir. 1981). That case involved a FOIA request for a copy of a BATF manual dealing with surveillance of premises, vehicles and persons. See 670 F.2d at 1053. The D.C. Circuit approved the agency's application of Exemption 2, drawing the curious conclusion that the language of the House Report was not inconsistent with the Senate Report, but rather that the Senate Report was merely silent on the matter of investigative manuals. See id. at 1065. It reasoned that at least as far as law enforcement manuals were concerned the House Report would be the better reference point and it thus repudiated the logic of its earlier panel decision in Jordan with regard to the scope of Exemption 2. See id. at 1074. The D.C. Circuit then fashioned an entirely new test for deciding which materials would be exempt from disclosure under Exemption 2. This two-part test requires that the requested document be "predominantly internal" and that its disclosure "significantly risk circumvention of agency regulations or statutes." Id. at 1053. If both prongs of this test are satisfied, a law enforcement manual is exempt from mandatory disclosure. See id. at 1074.

Although Crooker provides a specific two-part test, some questions remain unresolved. While the D.C. Circuit en banc in Crooker rejected the suggestion of Jordan that virtually all law enforcement manuals must be disclosed under the FOIA, it did not purport to overturn the result in Jordan. For this reason, and also because of the novel nature of the new two-part test itself, it remains to be seen whether Crooker will serve to resolve the controversy in this area. See also Crooker v. Bureau of Alcohol, Tobacco & Firearms, 670 F.2d 1051, 1093, 1115-17 (Wilkey J., dissenting).

V. EXEMPTION 3

As first enacted, Exemption 3 protected information "specifically exempted from disclosure by statute." 5 U.S.C. §552(b)(3) (1970). The Supreme Court interpreted this language as evidencing congressional intent to allow statutes which permitted the withholding of confidential information and which were enacted prior to the FOIA to remain unaffected by the disclosure mandate of the FOIA. In so reading the exemption, the Court held that a broad discretionary withholding provision in the Federal Aviation Act which delegated almost unlimited discretion to agency officials to withhold specific documents in the "interest of the public," was included under Exemption 3. FAA v. Robertson, 422 U.S. 255, 265 (1975). Fearing that this interpretation would allow agencies

to evade the Act's disclosure intent, Congress in effect overruled Robertson by amending Exemption 3 in 1976.

Exemption 3, as amended, now allows the withholding of information prohibited from disclosure by another statute only if that statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. §552(b)(3), as amended. A statute thus falls within the exemption's coverage if it satisfies any one of its disjunctive requirements. See American Jewish Congress v. Kreps, 574 F.2d 624, 628 (D.C. Cir. 1978). Of course, an agency must also establish that the records in question fall within the protective ambit of the exempting statute in the first place.

Exemption 3 is generally triggered only by federal statutes. See, e.g., Washington Post Co. v. Department of Health & Human Services, ___ F.2d ___, slip dissent at 8 (D.C. Cir. Sept. 24, 1982) (No. 80-2572) (Tamm, J., dissenting) (disclosure prohibitions found in executive orders or regulations do not trigger Exemption 3). Federal rules of procedure promulgated by the Supreme Court generally do not necessarily qualify under Exemption 3. See Founding Church of Scientology v. Bell, 603 F.2d 945, 952 (D.C. Cir. 1979) (Rule 26(c) of the Federal Rules of Civil Procedure concerning the issuance of protective orders held not a statute under Exemption 3). However, when a rule of procedure is subsequently modified and thereby enacted into law specially by Congress, it may qualify under the exemption. In Fund for Constitutional Government v. National Archives & Records Service, 656 F.2d 856, 867 (D.C. Cir. 1981), for example, it was held that because Congress in 1977 altered Rule 6(e) of the Federal Rules of Criminal Procedure (concerning matters occurring before a grand jury), it satisfies the "statute" requirement of Exemption 3.

Few cases apart from Fund for Constitutional Government v. National Archives & Records Service, 656 F.2d at 867-68, have considered statutes that absolutely prohibit agency disclosure of specific material in satisfaction of subpart A of Exemption 3. While not actually distinguishing between the two subparts, the Supreme Court's recent decision in Baldrige v. Shapiro, 102 S.Ct. 1103, 1110 (1982), is another such example. In that case, the Supreme Court held that the Census Act, 13 U.S.C. §§8(b) and 9(a), is an Exemption 3 statute because it requires that certain data be withheld in such a manner as to leave the Census Bureau with no discretion whatsoever. See 102 S.Ct. at 1110.

Most Exemption 3 cases involve subpart B, either explicitly or implicitly. In Consumer Product Safety Comm'n v. GTE Sylvania, Inc., 447 U.S. 102, 123 (1980), the Supreme Court held that a provision of the Consumer Product Safety Commission Act, 15 U.S.C. §2055(b)(1), set forth sufficiently definite mandatory conditions precedent to disclosure for it to fall within the scope of Exemption 3. Provisions of the National Security Act of 1947, 50 U.S.C. §403(d)(3), and the Central Intelligence Agency Act of 1949, 50 U.S.C. §403g, specify types of matters to be withheld and consistently have been held to qualify under Exemption 3. See, e.g., Gardels v. CIA, ___ F.2d ___, slip op. at 4 (D.C. Cir. Sept. 28, 1982) (No. 81-1567), citing Halperin v. CIA, 629 F.2d 144, 147 & n.7 (D.C. Cir. 1980); see also Weissman v. CIA, 565 F.2d 692, 694 (D.C. Cir. 1977). Likewise, in Irons & Sears v. Dann, 606 F.2d 1215, 1220 (D.C. Cir. 1979), the court ruled that a portion of the Patent Act, 35 U.S.C. §122, satisfies subpart B because it identifies the types of matters--patent applications and information concerning

them--to be withheld. Similarly, 8 U.S.C. §222(f) sufficiently limits the category of information covered by it--records pertaining to the issuance or refusal of visas and permits to enter the United States--to qualify as an Exemption 3 statute under subpart B. See De Laurentiis v. Haig, ___ F.2d ___, slip op. at 7 (3d Cir. Aug. 12, 1982) (No. 82-1003). See also Posner v. Department of Justice, 2 GDS ¶82,229 at 82,649 (D.D.C. 1982) (upholding the withholding of "rap sheets" under 28 U.S.C. §534 and Exemption 3).

Whether tax return information may be withheld under Exemption 3 has been the subject of considerable litigation. The courts have uniformly held that 26 U.S.C. §6103 of the Internal Revenue Code satisfies subpart B of the Exemption 3. See, e.g., Moody v. IRS, 654 F.2d 795, 797 (D.C. Cir. 1981); Chamberlain v. Kurtz, 589 F.2d 827, 843 (5th Cir.), cert. denied, 444 U.S. 842 (1979). Several district courts, however, beginning with Zale Corp. v. IRS, 481 F. Supp. 486, 490 (D.D.C. 1979), have held that it is not necessary to view 26 U.S.C. §6103 as an Exemption 3 statute in order to withhold tax return information; rather, they have viewed the provisions of this tax code section as intended to operate as the sole standard governing the disclosure or nondisclosure of such information, thereby "displacing" the FOIA. See, e.g., White v. IRS, 528 F. Supp. 119, 121 (N.D. Ohio 1981); Hulsey v. IRS, 497 F. Supp. 617, 618 (N.D. Tex. 1980). The U.S. Court of Appeals for the District of Columbia Circuit, however, recently rejected a similar argument involving the Secretary of State's Emergency Fund statutes, 22 U.S.C. §2671 and 31 U.S.C. §107, holding that if neither Exemption 3 nor another FOIA exemption permits the Department of State to bar disclosure, then the material cannot be withheld merely pursuant to those statutes, both of which were enacted after the FOIA. Washington Post Co. v. Department of State, ___ F.2d ___, slip op. at 12-15 (D.C. Cir. Aug. 13, 1982) (No. 80-2469). Although the D.C. Circuit did not specifically overrule Zale, its treatment of the issue leaves the Zale "displacement" approach somewhat in doubt. But see also King v. IRS, ___ F.2d ___, slip op. at 13-15 (7th Cir. Sept. 10, 1982) (Nos. 81-2137, 81-3081).

Another Exemption 3 issue concerns the Trade Secrets Act, 18 U.S.C. §1905, which prohibits the disclosure of commercial and financial information. Although the Supreme Court declined to decide whether 18 U.S.C. §1905 is an Exemption 3 statute in Chrysler Corp. v. Brown, 441 U.S. 281, 319 n.49 (1979), most of the lower courts to have considered the issue have held that it is not. See, e.g., St. Mary's Hospital, Inc. v. Califano, 462 F. Supp. 315, 317 (S.D. Fla. 1978), aff'd sub nom. St. Mary's Hospital, Inc. v. Harris, 604 F.2d 407 (5th Cir. 1979); United Technologies Corp. v. Marshall, 464 F. Supp. 845, 851 (D. Conn. 1979); Westchester General Hospital v. HEW, 464 F. Supp. 236, 243 (M.D. Fla. 1979); Nationwide Mutual Insurance Co. v. Friedman, 451 F. Supp. 736, 742 (D. Md. 1978); Guerra v. Guajardo, 466 F. Supp. 1046, 1057-58 (S.D. Tex. 1978); Crown Central Petroleum Corp. v. Kleppe, 424 F. Supp. 744, 751-52 (D. Md. 1976); but see General Motors Corp. v. Marshall, 1 GDS ¶80,062 at 80,062 (E.D. Va. 1980), rev'd on other grounds, 654 F.2d 294 (4th Cir. 1981); Gulf Oil Corp. v. Marshall, 1 GDS ¶79,163 at 79,274 (D.D.C. 1979); Westinghouse Electric Corp. Research & Development Center v. Brown, 443 F. Supp. 1225, 1232-33 (E.D. Va. 1977). In holding that 18 U.S.C. §1905 does not satisfy the amended Exemption 3's requirements, these courts have generally relied on legislative history, particularly the House Committee on Government Operations report on the amended Exemption 3, which indicated that 18 U.S.C. §1905 was intended to be excluded from the exemption's coverage. See H.R. Rep. 94-880, Part 1, 94th Cong., 2d Sess. 23 (1976), reprinted in 1976 U.S. Code Cong. & Ad. News 2183, 2205.

A particularly controversial issue is whether the Privacy Act of 1974, 5 U.S.C. §552a, can serve as an Exemption 3 statute. The Privacy Act authorizes an individual to obtain access to

those federal records maintained under the individual's name or personal identifier, subject to certain broad, system-wide exemptions. See, e.g., 5 U.S.C. §552a(j)(2). If the Privacy Act is regarded as an Exemption 3 statute, records exempt from disclosure to first party requesters under the Privacy Act are also exempt to them under the FOIA; if it is not, requesters may be able to obtain information on themselves under the FOIA even though such information is exempt under the Privacy Act.

During the past three years, three circuit courts of appeals have considered the proper relationship between these two access statutes. In both Painter v. Federal Bureau of Investigation, 615 F.2d 689, 691 (5th Cir. 1980), and Terkel v. Kelly, 599 F.2d 214, 216 (7th Cir. 1979), cert. denied, 444 U.S. 1013 (1980), the Privacy Act was regarded as an Exemption 3 statute. See also Anderson v. Huff, Civil Nos. 3-82-52, 4-82-533, slip op. at 2-3 (D. Minn. June 9, 1982); Heinzl v. INS, Civil No. C-80-1210-SAW, slip op. at 2-4 (N.D. Cal. Dec. 18, 1981). However, the Court of Appeals for the D.C. Circuit in Greentree v. United States Customs Service, 674 F.2d 74, 89 (D.C. Cir. 1982), held that the Privacy Act is not an Exemption 3 statute and that documents must be independently exempt from disclosure under the FOIA as well as under the Privacy Act to be withheld from a first-party requester. The Solicitor General has determined not to seek further judicial review of this issue at this time, pending its further development in the lower courts. Accordingly, while the Department of Justice adheres to the position that the Privacy Act is an Exemption 3 statute within the first-party requester context, agencies should not apply this position at the administrative level prior to the commencement of a lawsuit. If, however, a FOIA lawsuit is brought within a circuit other than the District of Columbia Circuit, the Department of Justice will vigorously advocate this position.

VI. EXEMPTION 4

Exemption 4 of the FOIA, 5 U.S.C. §552(b)(4), was established to protect the interests of commercial enterprises that submit information to the government. The exemption covers two categories of information in federal agency records: (1) trade secrets, and (2) information which is (a) commercial or financial, and (b) obtained from a person, and (c) confidential or privileged.

There is no clear, consistent definition of "trade secrets" for Exemption 4 purposes. In one early Exemption 4 case, Consumers Union v. Veterans Administration, 301 F. Supp. 796, 801 (S.D.N.Y. 1969), appeal dismissed as moot, 436 F.2d 1363 (2d Cir. 1971), the following definition was adopted: "[an] unpatented, secret, commercially valuable plan, appliance, formula or process, which is used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities." Indeed, there are very few FOIA cases involving the "trade secrets" portion of Exemption 4. (See also the Trade Secrets Act, 18 U.S.C. §1905, discussed in connection with Exemption 3 supra). Instead, Exemption 4 cases focus almost invariably on whether withheld information falls within its second category; to do so, the information must satisfy all three of the criteria set forth above.

If information relates to business or trade, most courts have little difficulty in considering it "commercial or financial." Examples of items generally regarded as commercial or financial information include: business sales statistics, research data, technical designs, customer and supplier lists, profit and loss data, overhead and operating costs, and information on financial

condition. There is some authority to the effect that information from nonprofit entities is not "commercial or financial" within the meaning of Exemption 4. See Washington Research Project, Inc. v. HEW, 504 F.2d 238, 245 (D.C. Cir. 1974), cert. denied, 421 U.S. 963 (1975). The soundness of this "profit" test, though, is highly questionable. Indeed, the Second Circuit, in American Airlines, Inc. v. National Mediation Board, 588 F.2d 863, 870 (2d Cir. 1978), held that information concerning a labor union was "related to commerce" and thus "commercial" for Exemption 4 purposes even though the union was not itself a profit-making enterprise. In this connection, it observed that a profit/nonprofit distinction "gives much too narrow a construction" to Exemption 4's language. Id.

The second of Exemption 4's specific criteria, that the information be "obtained from a person," is quite easily met in virtually all circumstances. The term "person" refers to a wide range of entities including corporations and foreign governments. See, e.g., Stone v. Export-Import Bank of the United States, 552 F.2d 132, 137 (5th Cir. 1977), cert. denied, 434 U.S. 1012 (1978) (foreign government); Comstock International v. Export-Import Bank of the United States, 464 F. Supp. 804, 806 (D.D.C. 1979) (corporation). The courts have held, however, that information generated by the federal government is not "obtained from a person" and is excluded from Exemption 4 coverage. See, e.g., Consumers Union v. Veterans Administration, 301 F. Supp. at 803. Such information, though, might be protectable under Exemption 5, which incorporates a qualified privilege for sensitive commercial or financial information generated by government. See Federal Open Market Committee v. Merrill, 443 U.S. 340, 360 (1979). (The "commercial privilege" is further addressed in the discussion of Exemption 5 infra.)

Finally, the third criterion is met if information is "confidential or privileged." Most Exemption 4 litigation has concentrated on the meaning of the word "confidential." In earlier years, courts based the application of Exemption 4 upon whether there was a promise of confidentiality by the government to the business entity involved, see, e.g., General Services Administration v. Benson, 415 F.2d 878, 881 (9th Cir. 1969), or upon whether there was an objective expectation of confidentiality, see, e.g., M. A. Schapiro & Co. v. SEC, 339 F. Supp. 467, 471 (D.D.C. 1972). These earlier tests have been superseded by the rule of National Parks & Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974), now the leading case on the issue of "confidentiality" under Exemption 4.

In National Parks, the D.C. Circuit Court of Appeals held that neither a commercial entity's claim of confidentiality, nor an agency's promise that certain information would not be released, are determinative under Exemption 4, although both such factors can be considered. See 498 F.2d at 767. It declared that "confidential" should be read to protect governmental interests as well as private ones:

> To summarize, commercial or financial matter is "confidential" for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.

Id. at 770

These two Exemption 4 tests are often referred to in subsequent cases as "Test 1" and "Test 2." In order to withhold information under Test 1, an agency must be able to demonstrate that the information was obtained in aid of an agency function, that it was provided voluntarily (which excludes information that the agency could require to be submitted), and that the business entity would not provide if it were subject to disclosure. See id. The question of voluntariness is not always a clear-cut one, particularly where participation in a program (e.g., bidding on a government contract) is voluntary yet submission of the information is mandatory if the submitter wishes to enjoy the benefits of participation. In the procurement context, for example, the First Circuit Court of Appeals upheld the withholding of a technical proposal on the ground that release "would induce potential bidders to submit proposals that do not include novel ideas." Orion Research, Inc. v. EPA, 615 F.2d 551, 554 (1st Cir. 1980). Another court held that "other governmental interests, such as the interest in program effectiveness, were embodied" in this first test of National Parks. Comstock International v. Export-Import Bank of the United States, 464 F. Supp. at 808 (disclosure of loan applicant information would impair Export-Import Bank's ability to promote U.S. exports). See also Stewart v. United States Customs Service, 2 GDS ¶81,140 at 81,380 (D.D.C. 1981); Carlisle Tire & Rubber Co. v. United States Customs Service, 1 GDS ¶79,162 at 79,268 (D.D.C. 1979), aff'd in part, rev'd in part on other grounds, 663 F.2d 210 (D.C. Cir. 1980).

The great majority of Exemption 4 cases involve Test 2, turning on whether disclosure would cause substantial competitive harm to the competitive position of the business entity from whom the information was obtained. The courts have tended to resolve this issue on a case-by-case basis rather than by establishing general guidelines as to what constitutes substantial harm to an entity's competitive position. Actual competitive harm need not be demonstrated for purposes of Test 2; evidence of actual competition and of the "likelihood of substantial competitive injury is all that need be shown." Gulf & Western Industries, Inc. v. United States, 615 F.2d 527, 530 (D.C. Cir. 1979).

Numerous types of competitive injury have been identified by the courts as properly cognizable under Exemption 4, including the harms generally caused by disclosure of: assets; profits and market shares; future marketing strategies; natural gas reserves; customer lists; and government contractors' costs and profits figures. With regard to this last category several courts have reached conflicting conclusions concerning pricing information contained in government contracts. In Racal-Milgo Government Systems, Inc. v. Small Business Administration, 2 GDS ¶81,082 at 82,360 (D.D.C. 1982), a court refused Exemption 4 protection for prices charged the government for computer equipment and went on to state that "[d]isclosure of prices charged the Government is a cost of doing business with the Government." Many courts, on the other hand, have had no difficulty in protecting pricing data if disclosure would permit competitive injury to the government's supplier. See, e.g., Hawaiian International Shipping Corp. v. Department of Commerce, 3 GDS ¶82,366, at 82,949 (D.D.C. 1982); cf. Sperry Univac Division v. Baldrige, Civil No. 82-0045-A, slip op. at 6 (E.D. Va. June 16, 1982). That there can be such divergences of opinions under Exemption 4 highlights the significance of case-by-case determinations.

In a recent development, the D.C. Circuit addressed the concept of "reverse engineering" and its effect on "substantial competitive harm" under Exemption 4. In Worthington Compressors,

Inc. v. Costle, 662 F.2d 45 (D.C. Cir.), supplemental opinion sub. nom. Worthington Compressors, Inc. v. Gorsuch, 668 F.2d 1371 (D.C. Cir. 1981), the trial court ordered disclosure of an air compressor manufacturer's design and engineering specifications on the theory that such data could be obtained by anyone who purchased a compressor and dismantled it to examine specific engineering features (i.e. by "reverse engineering"). See 662 F.2d at 49. The D.C. Circuit held, however, that the cost of any such "reverse engineering" must be considered and that the test should be "whether release of the requested information given its commercial value to competitors and the cost of acquiring it through other means, will cause substantial competitive harm to the business that submitted it." Id. at 52.

Finally the word "privileged" has not generally been read to add much to the scope of Exemption 4. In one case, however, a court upheld the Department of Interior's withholding of detailed statements by law firms of work that they had done for the Hopi Indians, on the ground that they were "privileged," because of their work-product nature, within the meaning of Exemption 4: "The vouchers reveal strategies developed by Hopi counsel in anticipation of preventing or preparing for legal action to safeguard tribal interests. Such communications are entitled to protection as attorney work-product." Indian Law Resource Center v. Department of the Interior, 477 F. Supp. 144, 148 (D.D.C. 1979).

VII. EXEMPTION 5

Exemption 5 encompasses documents "which would not be available by law to a party ... in litigation with the agency." 5 U.S.C. §552(b)(5). As such, it has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context," NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975), although "It is not clear that Exemption 5 was intended to incorporate every privilege known to civil discovery." Federal Open Market Committee v. Merrill, 443 U.S. 340, 354 (1979). The three primary privileges which have been held to be incorporated into Exemption 5 are the deliberative process privilege (or "executive privilege"), the attorney work-product privilege and the attorney-client privilege. See NLRB v. Sears Roebuck & Co., 421 U.S. at 149.

The threshold issue under Exemption 5 is whether a document is of the sort intended to be covered by the exemption. The wording of the exemption, "inter-agency or intra-agency memorandums," would seem to contemplate only those documents generated by an agency and not circulated beyond the executive branch. In fact, though, in recognition of the practicalities of agency operations, the courts have construed the scope of the exemption far more expansively.

Hence, documents generated by consultants outside an agency are typically considered for Exemption 5 protection because the agency, in the exercise of its function, often has "a special need for the opinions and recommendations of temporary consultants." Soucie v. David, 448 F.2d 1067, 1978 n.44 (D.C. Cir. 1971). Indeed, such advice often "plays an integral function in the government's decision." Hoover v. Department of the Interior, 611 F.2d 1132, 1138 (5th Cir. 1980). For these reasons, at least as regards documents produced pursuant to agency initiative, whether purchased or provided voluntarily without compensation, "Congress apparently did not intend 'inter-agency and intra-agency' to be rigidly exclusive terms, but rather to include any agency document that is part of the deliberative process." Ryan v. Department of Justice, 617 F.2d 781, 790 (D.C. Cir. 1980). But see County of Madison v. Department of Justice, 641 F.2d 1036,

1042 (1st Cir. 1981) (correspondence reflecting settlement negotiations between government and an adverse party held not to constitute "intra-agency" memoranda). (See also FOIA Update, June 1982, at 10.)

The reference to the privileges recognized in civil discovery is not absolute. These principles are only to be applied "by way of rough analogies." Environmental Protection Agency v. Mink, 410 U.S. 73, 86 (1973). Indeed, as one court recently noted, "the issues in discovery proceedings and the issues in the context of a FOIA action are quite different." Playboy Enterprises, Inc. v. Department of Justice, 677 F.2d 931, 936 (D.C. Cir. 1982). Alternatively stated, it is not the "hypothetical litigation" between particular parties, in which relevance or need are appropriate factors, which must govern the Exemption 5 inquiry, NLRB v. Sears Roebuck & Co., 421 U.S. at 149 n.16, but rather it is the circumstances in private litigation in which memoranda would "routinely be disclosed." H.R. Rep. No. 1497, 89th Cong., 2d Sess. 10 (1966). Accordingly, no requester is entitled to greater rights of access under Exemption 5 by virtue of whatever special interests might influence the outcome of actual civil discovery to which he is a party. NLRB v. Sears, Roebuck & Co., 421 U.S. at 149; see also, e.g., Swisher v. Department of the Air Force, 660 F.2d 369, 371 (8th Cir. 1981).

The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege, the general purpose of which is to "prevent injury to the quality of agency decisions." NLRB v. Sears, Roebuck & Co., 421 U.S. at 151. Specifically, three policy purposes have been consistently held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion by disclosure of reasons and rationales that were not in fact ultimately the reasons for the agency's action. See, e.g., Russell v. Department of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982); Coastal States Gas Corp. v. Department of Energy, 617 F.2d 854, 866 (D.C. Cir. 1980); Jordan v. Department of Justice, 591 F.2d 753, 772-73 (D.C. Cir. 1978) (en banc).

Two fundamental requirements must be met in order for the deliberative process privilege to be invoked. First, the communication must be predecisional, i.e., "antecedent to the adoption of an agency policy." Jordan v. Department of Justice, 591 F.2d at 774. Second, the communication must be deliberative, i.e., "a direct part of the deliberative process in that it makes recommendations or expresses opinions on legal or policy matters." Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975).

The types of documents which commonly are encompassed by the deliberative process privilege are "advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated," NLRB v. Sears, Roebuck & Co., 421 U.S. at 150, the release of which would be likely to "stifle honest and frank disclosure within the agency," Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 866.

In contrast, however, are post-decisional documents. They generally embody statements of policy and final opinions which have the force of law, Taxation With Representation Fund v. Internal Revenue Service, 646 F.2d 666, 677 (D.C. Cir. 1981), which implement an established policy of an agency, Brinton v. Department of State, 636 F.2d 600, 605 (D.C. Cir. 1980), or which

explain actions that an agency has already taken, NLRB v. Sears, Roebuck & Co., 421 U.S. at 153-54. Exemption 5 does not apply to such documents, as "the public is vitally concerned with the reasons which did supply the basis for an agency policy actually adopted." NLRB v. Sears, Roebuck & Co., 421 U.S. at 152. Indeed, many courts have queried whether certain documents at issue were tantamount to agency "secret law," i.e., "orders and interpretations which [the agency] actually applies to cases before it," Sterling Drug, Inc. v. Federal Trade Commission, 450 F.2d 698, 708 (D.C. Cir. 1971), and which are "routinely used by agency staff as guidance." Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 869. Such documents should be released because they are not in fact predecisional, but rather "discuss established policies and decisions." Id. at 868 (emphasis in original).

Several additional touchstones have been fashioned to clarify the distinction between predecisional and post-decisional documents. See generally Arthur Andersen & Co. v. Internal Revenue Service, 679 F.2d 254, 258-59 (D.C. Cir. 1982). First, an agency should determine whether the document is a "final opinion" within the meaning of one of the automatic disclosure provisions of the FOIA, subsection (a)(2)(A). See Federal Open Market Committee v. Merrill, 443 U.S. at 360-61 n.23. In its recent extensive consideration of this point, the Fifth Circuit Court of Appeals held that, as section (a)(2)(A) specifies "the adjudication of [a] case[]," Congress intended "final opinions" to be only those decisions resulting from proceedings, such as that in Sears, in which a party invoked (and obtained a decision concerning) a specific statutory right of "general and uniform" applicability. Skelton v. United States Postal Service, 678 F.2d 35, 41 (5th Cir. 1982).

Second, the nature of the decisionmaking authority vested in the office or person issuing the document must be considered. If the author lacks "legal decision authority," Renegotiation Board v. Grumman Aircraft Engineering Corp., 421 U.S. 168, 184-85 (1975), the document is far more likely to be predecisional. Third, it is useful to examine the direction in which the document flows along the decisionmaking chain. Naturally, a document "from a subordinate to a superior official is more likely to be predecisional," Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 868, than the contrary case: "final opinions . . . typically flow from a superior with policymaking authority to a subordinate who carries out the policy." Brinton v. Department of State, 636 F.2d at 605.

Lastly, even if a document is clearly protected from disclosure by the deliberative process privilege, it may lose this protection if a final decision "chooses expressly to adopt or incorporate [it] by reference." NLRB v. Sears, Roebuck & Co., 421 U.S. at 161 (emphasis in original). At least one court, however, has proposed a less stringent standard of "formal or informal adoption." Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 866. See also Skelton v. United States Postal Service, 678 F.2d at 39 n.5 (dicta). Furthermore, if it is unclear whether a recommendation provided the basis for a final decision, then the recommendation should be protected. Renegotiation Board v. Grumman Aircraft Engineering Corp., 421 U.S. at 184-85.

The primary restriction on the scope of the deliberative process privilege pertains to purely factual matters, or to factual portions of otherwise deliberative memoranda. Not only would factual material "generally be available for discovery," EPA v. Mink, 410 U.S. at 87-88, but its release would in no way threaten consultative agency functions. Montrose Chemical Corp. v. Train, 491 F.2d 63, 66 (D.C. Cir. 1974). Therefore, unless facts

are "inextricably interwined" with deliberative material, they are subject to disclosure. Ryan v. Department of Justice, 617 F.2d at 790-91.

The apparently straightforward distinction between deliberative and factual materials blurs, however, when the facts themselves reflect the agency's deliberative process. In Montrose Chemical Corp. v. Train, the summmary of a large volume of public testimony compiled to facilitate the EPA Administrator's decision on a particular matter was held to be part of the agency's internal deliberative process. See 491 F.2d at 71. The very act of distilling the testimony, of separating the significant from the insignificant facts, constituted an exercise of judgment by agency personnel. See id. at 68. Hence, Exemption 5 can protect not simply deliberative materials, but the deliberative process, and any facts which would "expose" that process are entitled to protection. Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d 242, 256 (D.C. Cir. 1977). A necessary caveat in this regard, however, is that "a report does not become part of the deliberative process merely because it contains only facts which the person making the report thinks material." Playboy Enterprises, Inc. v. Department of Justice, 677 F.2d at 935. The factual materials must be generated in the course of an agency's decisionmaking process. See id. at 936; compare with Russell v. Department of the Air Force, 682 F.2d at 1048.

The second traditional privilege incorporated into Exemption 5 is the attorney work-product privilege, which protects memoranda prepared by an attorney in contemplation of litigation which sets forth the attorney's theory of the case and litigation strategy. Hickman v. Taylor, 329 U.S. 495, 509-10 (1947). As its purpose is to protect the adversary trial process by insulating the attorney's preparation from scrutiny, Jordan v. Department of Justice, 591 F.2d at 775, the work product privilege does not attach until at least "some articulable claim, likely to lead to litigation," has arisen. Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 865. When compared with the identical issue in the context of purely deliberative process material, though, "the likelihood that factual material will be segregable is smaller." Mervin v. Federal Trade Commission, 591 F.2d 821, 827 (D.C. Cir. 1978). Facts "seldom can be separated" from the attorney's "tactical and strategic thinking." Id.

One issue which has recently obscured the boundaries of the attorney work-product privilege as incorporated into Exemption 5 is the duration of the privilege. A divided panel of the D.C. Circuit Court of Appeals, in Grolier v. Federal Trade Commission, 671 F.2d 553, 556 (D.C. Cir. 1982), held that Exemption 5 does not protect work-product memoranda after the litigation for which they were prepared has terminated, unless "litigation related to the terminated litigation exists or potentially exists." By a 5-4 margin, the D.C. Circuit denied a petition for rehearing en banc, so the Department of Justice recently petitioned to the Supreme Court for a writ of certiorari and is taking the position that Grolier should not be followed pending Supreme Court review.

The third traditional privilege incorporated into Exemption 5 concerns "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice." Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d at 252. Unlike the attorney work-product privilege, the availability of the attorney-client privilege is not limited to the context of litigation. Moreover, while it usually applies to facts divulged by a client to his attorney it also includes opinions from an attorney to his client based upon those facts. Brinton v. Department of State, 636 F.2d at 605.

Two caveats are especially important. First, as the purpose of the privilege is to protect client confidence, Coastal States Gas Corp. v. Department of Energy, 617 F.2d at 862, the burden is on the agency seeking to withhold. For example, where the document is a communication from attorney to client, the agency must demonstrate that the underlying information was provided by the client, not by other persons or sources. See Brinton v. Department of State, 636 F.2d at 604. Second, confidentiality must be maintained both at the time of the communication and thereafter, see 617 F.2d at 863, and the agency bears the burden of showing that the communication was made with an "expectation of secrecy," Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d at 254. Significantly, the Supreme Court, while recently addressing this privilege in a non-FOIA context, concluded that it encompasses confidential communications made to the attorney not only by decisionmaking "control group" personnel, but also by lower echelon employees as well. Upjohn Co. v. United States, 449 U.S. 383, 392 (1981). This broad construction of the attorney-client privilege acknowledges the reality that such lower echelon personnel often possess information relevant to an attorney's advice-rendering function. See 449 U.S. at 392.

The Supreme Court in Federal Open Market Committee v. Merrill, 443 U.S. at 360, found an additional privilege incorporated within Exemption 5 based on Federal Rule of Civil Procedure 26(c)(7), which provides that "for good cause shown . . . a trade secret or other confidential research, development or commercial information" is protected from discovery. Fed.R.Civ.Pro. 26(c)(7). This qualified privilege is available "at least to the extent that this information is generated by the Government itself in the process leading up to the awarding of a contract, and expires upon the awarding of the contract or upon the withdrawal of the offer." 443 U.S. at 360. The theory underlying the privilege is that release of such information would put the government at a competitive disadvantage and endanger consummation of a contract; consequently, "the sensitivity of the commercial secrets involved, and the harm that would be inflicted upon the Government by premature disclosure . . . should serve as relevant criteria." Id. at 363.

While the breadth of this new privilege is not as yet fully established, a realty appraisal generated by the government in the course of soliciting buyers for its property has been held to fall squarely within it, Government Land Bank v. General Services Administration, 671 F.2d 663, 666 (1st Cir. 1982), as have portions of documents containing cost estimates prepared by the government for use in the evaluation of construction proposals submitted by private contractors, Hack v. Department of Energy, 538 F. Supp. 1098, 1100 (D.D.C. 1982). See generally Belazis, "The Government's Commercial Information Privilege: Technical Information and the FOIA Exemption 5," 33 Administrative Law Journal 415 (1981). Quite clearly, however, purely legal memoranda drafted to assist contract award deliberations are not encompassed by this privilege. Shermco Industries, Inc. v. Department of the Air Force, 613 F.2d 1314, 1319-20 n.11 (5th Cir. 1980).

Lastly, the Fifth Circuit Court of Appeals has found an Exemption 5 privilege based on Federal Rule of Civil Procedure 26(b)(4), which limits the discovery of reports prepared by expert witnesses. See Hoover v. Department of the Interior, 611 F.2d at 1141. The document at issue in Hoover was an appraiser's report prepared in the course of condemnation proceedings. See id. at 1135. In support of its conclusions, the Fifth Circuit stressed that such a report would not have been routinely discoverable

and that premature release would jeopardize the bargaining position of the government. See id. at 1142.

Once a claim of Exemption 5 privilege has been established, a final inquiry must be undertaken: a determination of whether the privilege has in some way been waived. The courts have generally held agencies to strict standards in this regard. Thus, when the government voluntarily disclosed a document in the course of earlier litigation, it was held that it could not later assert an Exemption 5 claim for that document. See North Dakota v. Andrus, 581 F.2d 177, 181-82 (8th Cir. 1978). Similarly, when an agency carelessly "permitted general access" to certain information, it was found to have abandoned its right to subsequently withhold it pursuant to Exemption 5. See Cooper v. Department of the Navy, 594 F.2d 484, 488 (5th Cir. 1979). The courts are especially unsympathetic when a prior release was in violation of an agency's own regulations. See, e.g., Shermco Industries, Inc. v. Department of the Air Force, 613 F.2d at 1320; Cooper v. Department of the Navy, 594 F.2d at 488.

However, where an agency is able to establish that it acted responsibly with respect to the disclosed material, its later claim of exemption will likely prevail. Accordingly, disclosure among agencies naturally does not waive an exemption, Chivilis v. Securities & Exchange Comm'n, 673 F.2d 1205, 1211-12 (11th Cir. 1982), nor does an unauthorized leak, Safeway Stores, Inc. v. Federal Trade Comm'n, 428 F. Supp. 346, 347 (D.D.C. 1977), nor a disclosure to a member of Congress who requested the information in his official capacity, at least where the Congressman does not disclose the information to third parties. Murphy v. Department of the Army, 613 F.2d 1151, 1159 (D.C. Cir. 1979). Essentially, if disclosure can be demonstrated to be limited and for legitimate governmental purposes, an Exemption 5 claim of privilege should not be deemed to have been waived. See Cooper v. Department of the Navy, 594 F.2d at 488.

VIII. EXEMPTION 6

Two FOIA Exemptions, 6 and 7(C), provide protection for personal privacy interests. While Exemption 7(C), discussed infra, applies only to investigatory records, Exemption 6 permits the withholding of all information about individuals in "personnel and medical files and similar files" if its disclosure "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. §552(b)(6).

Until recently, the initial inquiry in many Exemption 6 cases was whether the records at issue fell within the category of "personnel and medical files and similar files." Because personnel and medical files were easily identified, the major controversy centered on the meaning of the phrase "similar files." Interpretations of that phrase by the courts varied considerably, including a rigid line of cases in the D.C. Circuit, commencing with Board of Trade of the City of Chicago v. Commodity Futures Trading Comm'n, 627 F.2d 392 (D.C. Cir. 1980), which during 1980-1982 embraced a narrow and restrictive interpretation of the term "similar files." This approach resulted, in some instances, in the court-ordered disclosure of personal information based solely on the character of the files in which it was found. The Supreme Court has now resolved this controversy, however, and has decisively overruled the D.C. Circuit's rigid approach by recently holding that Congress intended a broad rather than narrow meaning of the term "similar files," so that all information which "applies to a particular individual" qualifies for Exemption 6 consideration. Department of State v. Washington Post Co., 102 S.Ct. 1957, 1961 (1982).

The second step in the Exemption 6 analysis--determining whether disclosure of a record at issue would constitute a clearly unwarranted invasion of personal privacy--requires a balancing of the public interest in disclosure against the privacy interests which would be invaded by disclosure of the record. Initially, this requires that an assessment be made as to whether disclosure would in fact invade a protectable privacy interest. Release of some information maintained on individuals involves no invasion of privacy per se. See, e.g., National Western Life Insurance Co. v. United States, 512 F. Supp. 454, 461 (N.D. Tex. 1980) (no privacy interest invaded by disclosure of names and duty stations of Postal Service employees). In such cases, no further analysis is required. Similarly, it is well settled that neither corporations nor associations possess protectable privacy interests. See, e.g., Sims v. Central Intelligence Agency, 642 F.2d 562, 572 n.47 (D.C. Cir. 1980); National Parks & Conservation Ass'n v. Kleppe, 547 F.2d 673, 685 n.44 (D.C. Cir. 1976). The only exception to this principle is that when a business is a closely-held corporation, or some other similarly-constituted business entity, privacy exemptions may be invoked if disclosure would invade an individual's privacy: "While corporations have no privacy, personal financial information is protected, including information about small businesses when the individual and corporation are identical." Providence Journal Co. v. Federal Bureau of Investigation, 460 F. Supp. 778, 785 (D.R.I. 1978), rev'd on other grounds, 602 F.2d 1010 (1st Cir. 1979), cert. denied, 444 U.S. 1071 (1980). See also National Parks & Conservation Ass'n v. Kleppe, 547 F.2d at 685-86; cf. Zeller v. United States, 467 F. Supp. 487, 496-99 (E.D.N.Y. 1979).

A similar issue is whether deceased persons remain possessed of privacy rights. Although the law is not yet settled in this area, the better rule is that death extinguishes such rights. See Diamond v. Federal Bureau of Investigation, 532 F. Supp. 216, 227 (S.D.N.Y. 1981); but see Kiraly v. Federal Bureau of Investigation, 3 GDS

¶82,466 (N.D. Ohio 1982). In any event, it is important to note that the disclosure of some particularly sensitive personal information pertaining to a deceased person may well threaten the privacy interests of surviving family members or close associates and therefore be protectable on that basis. See, e.g., Lesar v. Department of Justice, 636 F.2d 472, 486-88 (D.C. Cir. 1980).

If a privacy interest is found to exist, then a balancing between the rights of the individual and the public interest in disclosure must be made. Department of the Air Force v. Rose, 425 U.S. 352, 372 (1976). In assessing the nature of privacy invasions, the courts have most vigorously protected the personal, intimate details of an individual's life, the release of which is likely to cause distress or embarrassment. Examples under Exemption 6 include information concerning marital status, legitimacy of children, medical condition, welfare payments, family fights and reputation, e.g., Rural Housing Alliance v. Department of Agriculture, 498 F.2d 73, 77 (D.C. Cir. 1974), religious affiliation, e.g., Church of Scientology v. Department of Defense, 611 F.2d 738, 747 (9th Cir. 1979), and the names and places of residences in the United States of Americans incarcerated in foreign prisons, Harbolt v. Department of State, 616 F.2d 772, 774 (5th Cir. 1980). Similarly, there are recognizable privacy interests in the identities of individuals who provide law enforcement agencies with reports of illegal conduct, particularly where they reasonably fear reprisals for such assistance. Holy Spirit Ass'n v. Federal Bureau of Investigation, 683 F.2d 562, 564-65 (D.C. Cir. 1982) (concurring opinion) (Exemptions 6 and 7(C)).

Balanced against the severity of the privacy threatened by disclosure of any particular information is the public interest, if any, in disclosure of that information. Department of the Air Force v. Rose, 425 U.S. at 372. It should be remembered that the "public interest" in this regard must truly be in the interest of the overall public. Individuals seeking records for their own benefit--for example, to provide for collateral discovery in a private lawsuit--are not acting to further a public interest. See Lloyd & Henniger v. Marshall, 526 F. Supp. 485, 487 (M.D. Fla. 1981). Similarly, requesters seeking information for purely commercial reasons do not thereby contribute any weight to the public interest side of the balance. Wine Hobby USA, Inc. v. IRS, 502 F.2d 133, 137 (3d Cir. 1974); HMG Marketing Associates v. Freeman, 523 F. Supp. 11, 14 (S.D.N.Y. 1980).

Accorded great weight in the balancing process are instances in which the information will inform the public of proven violations of the public trust. See, e.g., Columbia Packing Co., Inc. v. Department of Agriculture, 563 F.2d 495, 499 (1st Cir. 1977) (federal employees found guilty of accepting bribes); Congressional News Syndicate v. Department of Justice, 438 F. Supp. 538, 544 (D.D.C. 1977) (misconduct by White House staffers).

Apart from proven government wrongdoing, the courts have recognized a variety of other public interest factors entitled to heavy, often dispositive, weight. See, e.g., Ferri v. Bell, 645 F.2d 1213, 1218 (3d Cir. 1981), vacated & reinstated in part on rehearing, 671 F.2d 769 (3d Cir. 1982) (attempt to expose alleged deal between prosecutor and witness found to be in public interest) (Exemption 7(C)); Getman v. NLRB, 450 F.2d 670, 675-76 (D.C. Cir. 1971) (public interest need for study of union elections held sufficient to warrant release of names and addresses of employee voters); Disabled Officers Ass'n v. Rumsfeld, 428 F. Supp. 454, 458 (D.D.C. 1977) (nonprofit organization serving needs of

disabled Air Force personnel held entitled to data on such personnel). But "public interest" assertions under Exemption 6 should be scrutinized carefully to ensure that only legitimate factors are weighed in favor of disclosure. (See FOIA Update, September 1982, at 6.)

One additional consideration sometimes found in the balancing equation is the effect of policies reflected in other statutes, such as the Federal Corrupt Practices Act's mandatory public reporting of campaign contributions, see, e.g., Common Cause v. National Archives & Records Service, 628 F.2d 179, 183-85 (D.C. Cir. 1980) (Exemption 7(C)), the public disclosure of financial statements required by the Ethics in Government Act, see, e.g., Washington Post Co. v. Department of Health & Human Services, ___ F.2d ___, slip op. 22-23 (D.C. Cir. Sept. 24, 1982) (No. 80-2572), and the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 prohibiting the disclosure of the fruits of wiretaps, see, e.g., Providence Journal Co. v. Federal Bureau of Investigation, 602 F.2d at 1013-14 (Exemption 7(C)).

Finally, in applying Exemption 6, agencies should be mindful of the requirement to release all reasonably segregable nonexempt portions of the requested records. See 5 U.S.C. §552(b). For example, in Department of the Air Force v. Rose, 425 U.S. at 380-81, the Supreme Court ordered that case summaries of disciplinary proceedings be released, provided that personal identifying information was deleted. On the other hand, the absence or deletion of personal identifying information is not always adequate to provide full privacy protection. See, e.g., Arieff v. Department of the Navy, 3 GDS ¶82,291 at 82,791 (D.D.C. 1982) (appeal pending); cf. Alirez v. NLRB, 676 F.2d 423, 428 (10th Cir. 1982) (Exemption 7(C)).

IX. EXEMPTION 7

Exemption 7 of the FOIA protects from mandatory disclosure "investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel[.]" 5 U.S.C. §552(b)(7).

As originally enacted, this exemption permitted the withholding of "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency." 5 U.S.C. §552(b)(7) (1967). As such, it was consistently construed to exempt all material contained in an investigatory file, regardless of the status of the underlying investigation or the nature of the documents requested. See, e.g., Weisberg v. Department of Justice, 489 F.2d 1195, 1198, 1202 (D.C. Cir. 1973), cert. denied, 416 U.S. 993 (1974). In 1974, Congress rejected the application of a blanket exemption for investigatory files and narrowed the scope of Exemption 7 by requiring that withholding be justified by one of six specified types of harm. Accordingly, the analysis of whether a record is protected by this exemption involves two steps. First, the record must qualify as an "investigatory record[] compiled for law enforcement purposes," and second, its disclosure must reasonably be expected to cause one of the six enumerated harms.

Considering the threshold question first, Exemption 7 records must be shown to relate to a specific investigation pertinent to a violation of a statute, regulation or similar governmental rule. See, e.g., Sladek v. Bensinger, 605 F.2d 899, 903 (5th Cir. 1979), reh'g denied, 618 F.2d 781 (5th Cir. 1980). General agency audits, reviews, or "investigations" of the manner in which an agency accomplishes its mission are not "law enforcement" investigations protectable under Exemption 7. Rural Housing Alliance v. Department of Agriculture, 498 F.2d 73, 80-82 (D.C. Cir. 1974). However, Exemption 7 certainly applies to civil and criminal law enforcement investigations. See, e.g., Williams v. Internal Revenue Service, 479 F.2d 317, 318 (3d Cir. 1973), cert. denied, 414 U.S. 1024 (1974). It also applies to administrative (i.e., regulatory) law enforcement proceedings. See, e.g., Ehringhaus v. Federal Trade Commission, 525 F. Supp. 21, 22-23 (D.D.C. 1980). But if an agency lacks authority to conduct a particular investigation, Exemption 7 may not be invoked. See, e.g., Weissman v. Central Intelligence Agency, 565 F.2d 692, 696 (D.C. Cir. 1977).

The circuit courts of appeal have not adopted a uniform test for determining the existence of a proper law enforcement purpose. However, criminal law enforcement agencies' assertions of proper law enforcement purposes receive significant judicial deference. The Courts of Appeals for the First and Eighth Circuits have adopted an "agency" test which almost automatically qualifies records of a law enforcement agency, such as the Federal Bureau of Investigation, as having been gathered for a law enforcement purpose within the meaning of Exemption 7. See Kuehnert v. Federal Bureau of Investigation, 620 F.2d 626, 667-68 (8th Cir. 1980); Irons v. Bell, 596 F.2d 468, 474-76 (1st Cir. 1979). Although the Court of Appeals for the District of Columbia Circuit rejected this per se approach, it requires only a minimal showing of a rational relationship between the investigation, the document and the maintenance of national security or the prevention of criminal activity. See Pratt v. Webster, 673 F.2d 408, 418 (D.C. Cir. 1982), amended upon petition for reh'g, Nos. 81-1907, 81-1922 (D.C. Cir. April 28, 1982). See also Ramo v. Department of the Navy, 487 F. Supp. 127, 131 (N.D. Cal. 1979), aff'd, ___ F.2d ___ (9th Cir. Sept. 15, 1982) (No. 79-4791). Agencies whose functions encompass both administrative and criminal/national security law enforcement functions must demonstrate that the purpose for which an investigation was conducted falls "within its sphere of enforcement authority in compiling the particular document." Church of Scientology v. Department of the Army, 611 F.2d 738, 748 (9th Cir. 1979). Preliminary investigations to determine whether sufficient evidence exists and agency jurisdiction is present to conduct an investigation are protected by this exemption. See Ehringhaus v. Federal Trade Commission, 525 F. Supp. at 23.

The Supreme Court has recently held that information initially compiled for law enforcement purposes continues to retain its Exemption 7 protection where it is copied or summarized in a new document prepared for a non-law enforcement purpose. Federal Bureau of Investigation v. Abramson, 102 S.Ct. 2054, 2061 (1982). Conversely, information originally compiled for non-law enforcement purposes is protected by Exemption 7 when it is used in a subsequent investigation conducted for a proper law enforcement purpose. Lesar v. Department of Justice, 636 F.2d 472, 487 (D.C. Cir. 1980). Finally, documents compiled for a proper law enforcement purpose do not lose their "status as investigatory records when the Government decides not to prosecute." Bast v. Department of Justice, 665 F.2d 1251, 1254 (D.C. Cir. 1981).

Exemption 7(A)

The first subpart of Exemption 7, Exemption 7(A), authorizes the withholding of investigatory records if their disclosure would "interfere with" prospective or ongoing law enforcement proceedings. The intent of Congress in enacting Exemption 7(A) was to prevent harm to the government's case in court by not requiring the premature release of evidence or information. See NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 232 (1978).

The "enforcement proceedings" under Exemption 7(A) can be prospective, e.g., Ehringhaus v. Federal Trade Commission, 525 F. Supp. at 22-23, pending, e.g., NLRB v. Robbins Tire & Rubber Co., 437 U.S. at 216, or preventative, e.g., Moorefield v. Secret Service, 611 F.2d 1021, 1025-26 (5th Cir.), cert. denied, 449 U.S. 909 (1980). They may be criminal, e.g., National Public Radio v. Bell, 431 F. Supp. 509 (D.D.C. 1977), or regulatory, e.g., Fedders v. Federal Trade Commission, 494 F. Supp. 325 (S.D.N.Y.), aff'd mem., 646 F.2d 560 (2d Cir. 1980). The exemption, however, is temporal in that it may be invoked only as long as the relevant enforcement proceeding remains pending. See Barney v. Internal Revenue Service, 618 F.2d 1268, 1273-74 (8th Cir. 1980). See also National Public Radio v. Bell, 431 F. Supp. at 514 ("dormant" investigation "which will hopefully lead to a 'prospective law enforcement proceeding'")(emphasis by the court). Exemption 7(A) also may continue to be asserted for records in a closed file, if the release of those records would interfere with a related pending case. New England Medical Center Hospital v. NLRB, 548 F.2d 377, 385-87 (1st Cir. 1976), reh'g denied, 548 F.2d 387 (1st Cir. 1977).

With respect to the showing required to invoke Exemption 7(A), the Supreme Court has rejected the position that "interference" must always be established on a document-by-document basis, and it has held that a determination of the exemption's applicability may be made generically, based on the types of records involved. NLRB v. Robbins Tire & Rubber Co., 437 U.S. at 216. More particularly, the Court found in Robbins Tire that the NLRB had established interference with its unfair labor practice enforcement proceeding by showing that release of its witness statements would create a great potential for witness intimidation. See id. at 239. Several courts have indicated that any premature discovery, by and of itself, constitutes as interference with an enforcement proceeding. See Barney v. Internal Revenue Service, 618 F.2d at 1273; Moorefield v. Secret Service, 611 F.2d at 1026; Steinberg v. Internal Revenue Service, 463 F. Supp. 1272, 1273 (S.D. Fla. 1979). But see Campbell v. Department of Health & Human Services, 682 F.2d 256, 263-65 (D.C. Cir. 1982) (statement of particularized interference required for those documents submitted by the target of the investigation). Because most courts find generalized showings of interference adequate, they permit the withheld materials to be described in generic categories rather than requiring extensive, detailed itemizations. See, e.g., Barney v. Internal Revenue Service, 618 F.2d at 1271 n.5; Moorefield v. Secret Service, 611 F.2d at 1022; Steinberg v. Internal Revenue Service, 463 F. Supp. at 1273.

Exemption 7(B)

This exemption, which is aimed at avoiding prejudicial pretrial publicity, is rarely asserted and has not been the subject of any significant judicial interpretation.

Exemption 7(C)

To a great extent, the law concerning Exemption 6 which authorizes the withholding of records found in medical, personnel and similar files the release of which would result in a "clearly unwarranted invasion of personal privacy" is applicable in Exemption 7(C) cases. The omission of the word "clearly" in the context of Exemption 7(C) connotes a lower burden of proof to justify withholding:

> The difference in breadth . . . is attributable to the inherent distinctions between investigatory files and personnel, medical and similar files: that an individual's name appears in files of the latter kind, without more, will probably not engender comment and speculation, while . . . an individual whose name surfaces in connection with an investigation may, without more, become the subject of rumor and innuendo.

Congressional News Syndicate v. Department of Justice, 438 F. Supp. 538, 541 (D.D.C. 1977).

Exemption 7(C) has frequently been applied to withhold references to persons who were of "investigatory interest" to a criminal law enforcement agency. See, e.g., Fund for Constitutional Government v. National Archives & Records Service, 656 F.2d 856, 861-66 (D.C. Cir. 1981) (identities of those investigated but not charged must be withheld unless "exceptional interests militate in favor of disclosure"); Rushford v. Civiletti, 485 F. Supp. 477, 479-81 (D.D.C. 1980), aff'd mem. sub nom. Rushford v. Smith, 656 F.2d 900 (D.C. Cir. 1981); Common Cause v. National Archives & Records Service, 628 F.2d 179, 184-86 (D.C. Cir. 1980) (because balancing is required, per se withholding is inappropriate); Librach v. Federal Bureau of Investigation, 587 F.2d 372, 373 (8th Cir. 1978), cert. denied, 440 U.S. 910 (1979); Maroscia v. Levi, 569 F.2d 1000, 1002 (7th Cir. 1977); Ray v. Department of Justice, Civil No. 81-3113, slip op. at 3-6 (D.D.C. Sept. 17, 1982). But see also Antonelli v. Federal Bureau of Investigation, 536 F. Supp. 568, 573-75 (N.D. Ill. 1982) (appeal pending); Cunningham v. Federal Bureau of Investigation, 540 F. Supp. 1, 2 (N.D. Ohio 1981); Tennessean Newspapers v. Levi, 403 F. Supp. 1318, 1320-21 (M.D. Tenn. 1975).

The identities of federal, state and local law enforcement personnel referenced in investigatory files are routinely withheld, usually for reasons similar to those described by the Fourth Circuit Court of Appeals:

> One who serves his state or nation as a career public servant is not thereby stripped of every vestige of personal privacy, even with respect to the discharge of his official duties. Public identification of any of these individuals could conceivably subject them to harassment and annoyance in the conduct of their official duties and in their private lives.

Nix v. United States, 572 F.2d 998, 1006 (4th Cir. 1978); see also Miller v. Bell, 661 F.2d 623, 628-31 (7th Cir. 1981); Lesar v. Department of Justice, 636 F.2d 472, 487-88 (D.C. Cir. 1980); Maroscia v. Levi, 569 F.2d at 1002. But see Ferguson v. Kelley, 448 F. Supp. 919, 923-24 (N.D. Ill. 1977).

In addition, several courts have found protectable privacy interests--along with or in lieu of protection under Exemption 7(D)--for the identities of individuals who provide information to law enforcement agencies. See, e.g., Holy Spirit Ass'n v. Federal Bureau of Investigation, 683 F.2d 562, 564-65 (D.C. Cir. 1982) (concurring opinion); Flower v. Federal Bureau of Investigation, 448 F. Supp. 567, 571 (W.D. Tex. 1978); Tarnopol v. Federal Bureau of Investigation, 442 F. Supp. 5, 7 (D.D.C. 1977).

Exemption 7(D)

The first half of Exemption 7(D) protects, in records of any law enforcement investigation, the identity of a confidential source, but not the information furnished. The legislative history of the 1974 amendments to the FOIA indicates that the term "confidential source" was chosen by design to encompass a broader group than would have been included had the term "informer" been used. See S. Rep. No. 1200, 93d Cong., 2d Sess. 12 (1974). Thus, Exemption 7(D) protects "both the identity of the informer and information which might reasonably be found to lead to disclosure of such identity. These may be paid informers or simply concerned citizens who give information to enforcement agencies and desire their identity to be kept confidential." 120 Cong. Rec. 17033 (1974) (statement of Sen. Hart).

The legislative history indicates Congress' intention to protect from disclosure the identity of anyone who provided information to a government agency in confidence. These individuals' identities are protected whether they provided, in connection with an investigation, information under an express promise of confidentiality or "under circumstances from which such an assurance could be reasonably inferred." S. Rep. No. 1200, 93d Cong., 2d Sess. 12 (1974). See Radowich v. United States Attorney, 658 F.2d 857, 964 (4th Cir. 1981); ("confidential information" does not mean "secret" information, but rather information given in confidence or in trust); Pope v. United States, 599 F.2d 1383, 1386 (5th Cir. 1979); Nix v. United States, 572 F.2d 998, 1005 (4th Cir. 1978) (the circumstances surrounding the creation of FBI records gives rise to an implied assurance of confidentiality; any other interpretation would jeopardize a law enforcement agency's ability to obtain information in the future); Maroscia v. Levi, 569 F.2d 1000, 1002 (7th Cir. 1979). Entities which have been found to qualify as confidential sources include citizens providing unsolicited allegations of misconduct, Pope v. United States, 599 F.2d at 1386-87, citizens who respond to inquiries from law enforcement agencies, Miller v. Bell, 661 F.2d at 627-28, state and local law enforcement agencies, Lesar v. Department of Justice, 636 F.2d at 489-91, commercial or financial institutions, Malizia v. Department of Justice, 519 F. Supp. 338, 350 (S.D.N.Y. 1981), and foreign law enforcement agencies, Founding Church of Scientology v. Regan, 670 F.2d 1158, 1161-62 (D.C. Cir. 1981).

The second part of Exemption 7(D) protects all confidential information furnished to criminal law enforcement authorities in the course of a criminal investigation or a lawful national security intelligence investigation. Courts have applied the second clause of Exemption 7(D) to protect not only the identity of and information provided by a confidential source but also any information which, if disclosed, would jeopardize the system of confidentiality that assures a flow of information from sources to investigatory agencies. Duffin v. Carlson, 636 F.2d 709, 712-13 (D.C. Cir. 1980). Accordingly, courts have withheld: information provided by a source even when the identity of the source is known, Radovich v. United States Attorney, 658 F.2d at 964; Lesar v. Department of Justice, 636 F.2d

at 491; information provided by a source, some of which has been the subject of testimony in open court, Scherer v. Kelley, 584 F.2d 170, 176 (7th Cir. 1978), cert. denied, 440 U.S. 964 (1979); and the identities of local law enforcement agencies, even when their participation is known, Lesar v. Department of Justice, 636 F.2d at 491.

Exemption 7(E)

Under Exemption 7(E), investigatory records reflecting special techniques or procedures of investigation not otherwise generally known to the public may be withheld. See Malloy v. Department of Justice, 457 F. Supp. 543, 545 (D.D.C. 1978). In some cases, it is not possible to describe even in general terms these techniques without disclosing the very material to be withheld. Hayden v. Central Intelligence Agency, 1 GDS ¶80,065 at 80,178 (D.D.C. 1980); Stassi v. Department of the Treasury, Civil No. 78-553, slip op. at 11 (D.D.C. 1979). Several decisions, however, have described the general nature of the technique while withholding the details. See, e.g., Hayward v. Department of Justice, 2 GDS ¶81,231 at 81,646 (D.D.C. 1981) (methods and techniques used by U.S. Marshal Service to safely relocate protected witnesses); Stassi v. Department of the Treasury, Civil No. 78-533, slip op. at 11 (microfilm search and computer terminal codes); Boyce v. Deputy Director, Civil No. 78-084, slip op. at 4-5 (D.D.C. 1979) (procedures unique to counterfeiting investigations); Malloy v. Department of Justice, 457 F. Supp. at 545 (bait money, bank security devices, investigative leads, bank layout); Shaver v. Bell, 433 F. Supp. 438, 441 (N.D. Ga. 1977) (bait money); Ott v Levi, 419 F. Supp. 750, 752 (E.D. Mo. 1976) (techniques used in arson investigation). Examples of investigatory techniques found not protectable under Exemption 7(E) are "security flashes" and the "tagging of fingerprints," Ferguson v. Kelley, 448 F. Supp. 919, 926 (N.D. Ill. 1977), "mail covers," and the "use of post office boxes," Dunaway v. Webster, 519 F. Supp. 1059, 1082-83 (N.D. Cal. 1981).

Exemption 7(F)

Exemption 7(F) protects information in investigatory records that would "endanger the life or physical safety of law enforcement personnel." 5 U.S.C. §552(b)(7)(F). The term "law enforcement personnel" in the context of this exemption applies to a variety of enforcement officers. See Maroscia v. Levi, 569 F.2d 1000, 1002 (7th Cir. 1977) (FBI special agents and "other law enforcement personnel"); Docal v. Bensinger, 543 F. Supp. 38, 48 (M.D. Pa. 1981) (DEA special agents, supervisory special agents, and local law enforcement officers); Mahler v. Department of Justice, 2 GDS ¶82,032 at 82,263 (D.D.C. 1981) (Deputy U.S. Marshal); Nunez v. Drug Enforcement Administration, 497 F. Supp. 209, 212 (S.D.N.Y. 1980) (DEA special agents).

For an example of the dangers faced by enforcement personnel, see Docal v. Bensinger, 543 F. Supp. at 48 ("physical attacks, threats, harassment, and actual murders of undercover and other DEA Special Agents"). Although the coverage of Exemption 7(F) may in large part be duplicative of that afforded by Exemption 7(C), no balancing test is required for withholding under Exemption 7(F). It is difficult to imagine any circumstances, though, in which the public's interest in disclosure would outweigh the safety of law enforcement personnel.

X. EXEMPTION 8

Exemption 8 of the FOIA covers matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions." 5 U.S.C. §552(b)(8).

This exemption received little judicial attention during the first eleven years of the FOIA's operation. The only significant decision during that period was one which held that national securities exchanges and broker-dealers are not "financial institutions" within the meaning of the exemption. M.A. Schapiro & Co. v. SEC, 339 F. Supp. 467, 470 (D.D.C. 1972).

Courts have more recently interpreted Exemption 8 quite expansively, declining to restrict the "broad and all-inclusive scope of the exemption." McCullough v. FDIC, 1 GDS ¶80,194 at 80,494 (D.D.C. 1980). The courts reason that "if Congress has intentionally and unambiguously crafted a particularly broad, all-inclusive definition, it is not our function, even in the FOIA context, to subvert that effort." Consumers Union v. Heimann, 589 F.2d 531, 533 (D.C. Cir. 1978); see also Sharp v. FDIC, 2 GDS ¶81,107 at 81,270 (D.D.C. 1981). The D.C. Circuit Court of Appeals has gone so far as to state that in Exemption 8 Congress has provided "absolute protection regardless of the circumstances underlying the regulatory agency's receipt or preparation of examining, operating or conditioning reports." Gregory v. FDIC, 631 F.2d 896, 898 (D.C. Cir. 1980).

In examining the sparse legislative history of Exemption 8, courts have discerned two major purposes underlying it: (1) to "protect the security of financial institutions by withholding from the public reports that contain frank evaluations of a bank's stability" and (2) "to promote cooperation and communication between employees and examiners." Atkinson v. FDIC, 1 GDS ¶80,034 at 80,102 (D.D.C. 1980).

Courts have determined that several types of documents fall within the broad confines of Exemption 8. The authority of federal agencies to withhold bank examination reports prepared by federal bank examiners has not been questioned. See Sharp v. FDIC, 2 GDS at 81,270; Atkinson v. FDIC, 1 GDS at 80,102. Matters that are "related to" such reports -- that is, documents that "represent the foundation of the examination process, the findings of such an examination, or its follow up" -- are also exempt from disclosure. Atkinson v. FDIC, 1 GDS at 80,102; Sharp v. FDIC, 2 GDS at 81,271.

Bank examination reports and related documents prepared by state regulatory agencies have been found protectable from disclosure on more than one ground. The purposes of Exemption 8 are plainly served by withholding such material because of the interconnected purpose and operation of federal and state banking authorities. Atkinson v. FDIC, 1 GDS at 80,102. A state agency report transferred to a federal agency for its confidential use, however, and thus still within the control of the state agency, was held as a threshold matter not to be an "agency record" under the FOIA and thus not subject to disclosure. McCullough v. FDIC, 1 GDS at 80,495. In general, "all records, regardless of the source, of a bank's financial condition and operations and in the possession of a federal agency 'responsible for the regulation or supervision of financial institutions' are exempt." Id.

Indeed, even records pertaining to banks that are no longer in operation are properly withholdable under Exemption 8 in order

to serve the policy of promoting "frank cooperation" between bank and agency officials. Gregory v. FDIC, 631 F.2d at 899. Additionally, reports examining bank compliance with consumer laws and regulations have been held to "fall squarely within the exemption." Atkinson v. FDIC, 1 GDS at 80,103; Consumers Union v. Heimann, 589 F.2d at 535. Moreover, in keeping with the expansive construction of Exemption 8, courts have not required agencies to segregate and disclose portions of documents unrelated to the financial state of the institution: "An entire examination report, not just that related to the 'condition of the bank' may be withheld." Atkinson v. FDIC, 1 GDS at 80,103.

XI. EXEMPTION 9

Exemption 9 of the FOIA covers "geological and geophysical information and data, including maps, concerning wells." 5 U.S.C. §552(b)(9). This exemption is very rarely used or interpreted. In fact, only two decisions have addressed Exemption 9 and both were "reverse" FOIA cases in which the applicability of the exemption was not in controversy and only the propriety of discretionary disclosure was contested. See Superior Oil Co. v. Federal Energy Regulatory Comm'n, 563 F.2d 191, 204 (5th Cir. 1977); Pennzoil Co. v. Federal Power Comm'n, 534 F.2d 627, 630 (5th Cir. 1976).

XII. FEE WAIVERS

The FOIA authorizes agencies to waive or reduce the customary charges for document search and duplication where agencies determine that such action "is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. §552(a)(4)(A).

There is no precise formula for assessing public benefit under this provision. As former Attorney General Edward H. Levi noted, "[w]hat is required is the application of good faith in determining whether public payment should be made for essentially public benefits." Attorney General's Memorandum on the 1974 Amendments to the FOIA at 15 (1975). This guidance, which holds no less vitality today, continues:

> In its consideration of the matter, the agency need not employ any particular formalized procedure, and may draw upon both special expertise and general knowledge concerning such matters as the size of the public to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the material to be released, the likelihood that tangible public good will be realized, and other factors which may be pertinent to the appropriateness of public payment. Deliberate, irrational discrimination between one case and the next is of course improper; but neither is it necessary to develop a system of rigid guidelines or inflexible case precedents.

Id.

The discretionary nature of the FOIA's fee waiver provisions has led almost all courts to conclude that "the proper standard for judicial review of an agency's denial of a fee waiver is whether that decision was arbitrary and capricious," in accordance with the Administrative Procedure Act, 5 U.S.C. §706. Eudey v. Central Intelligence Agency, 478 F. Supp. 1175, 1176 (D.D.C. 1979). See

also, e.g., Burriss v. Central Intelligence Agency, 524 F. Supp. 448, 449 (M.D. Tenn. 1981); Sellers v. Webster, 2 GDS ¶81,243 at 81,670 (S.D. Ill. 1981); Lybarger v. Cardwell, 438 F. Supp. 1075, 1076 (D. Mass. 1977), aff'd, 577 F.2d 764 (1st Cir. 1978); Fitzgibbon v. Central Intelligence Agency, Civil No. 76-700, slip op. at 1 (D.D.C. Jan. 19, 1977); but see Harper v. Federal Bureau of Investigation, Civil No. 81-0834, slip op. at 3 (M.D. Pa. April 19, 1982); Rizzo v. Tyler, 438 F. Supp. 895, 899 (S.D.N.Y. 1977) ("validity of plaintiff's claim must be adjudged de novo").

Such review requires that an agency action "should be readily upheld absent a judicial finding on the face of the administrative record that the agency decision is 'arbitrary and capricious' or that it in some manner constitutes an 'abuse of discretion'." Sellers v. Webster, 2 GDS at 81,670-71. Accordingly, the court's review focuses on whether and how adequately the agency considered whether the release of the information would primarily benefit the general public. The most detailed description of the factors to be weighed by an agency in making this determination is provided in Eudey v. Central Intelligence Agency:

> The statute indicates that the issue to be considered by the agency is whether furnishing the information will primarily benefit the public at large or whether any benefit will inure primarily to the specific individual requesting the documents. The agency's decision not to waive fees will be rational, and therefore not arbitrary and capricious if it is based upon some factor shedding light on that central issue. The identity of the requester and the nature of the information sought under the Act are proper factors for the agency to consider when faced with a fee waiver request .... [T]he identity of the requester and whether his purpose for seeking the information is academic, journalistic, commercial or of some other public or private nature and the character of the information itself can guide the agency's determination. If after considering such factors, the agency concludes that furnishing particular information will not primarily benefit the general public but rather will primarily benefit the individual requester and the agency then denies a request for a fee waiver on that basis, its denial of a waiver will not be arbitrary and capricious.

478 F. Supp. at 1177 (emphasis added). See also Sellers v. Webster, 2 GDS at 81,670.

Where, however, an agency relies on factors not related to public benefit in denying a fee waiver request, courts have found an abuse of discretion. See, e.g., Common Cause v. Internal Revenue Service, 1 GDS ¶79,188 at 79,351 (D.D.C. 1979) (public interest in certain logs showing communications between IRS and Congress "speaks for itself"--IRS cannot deny requests for waiver of search fees simply on grounds that the search would be burdensome); Eudey v. Central Intelligence Agency, 478 F. Supp. at 1177 (CIA decision held arbitrary and capricious where agency conceded the public interest in and significance of requested records but denied fee waiver request because so few documents would ultimately be released to requester); Fitzgibbon v. Central Intelligence Agency, supra, slip op. at 1 ("An agency's determination not to waive fees is arbitrary and capricious where there is nothing in

the agency's refusal of fee waiver which indicates that furnishing the information requested cannot be considered as primarily benefiting the general public."). See also Allen v. Federal Bureau of Investigation, 2 GDS ¶82,242 at 82,670 (D.D.C. 1982).

On the other hand, the courts which have reviewed denials of fee waiver requests made by individuals seeking records for their own personal benefit have repeatedly found that the agency did not abuse its discretion, whether under an arbitrary and capricious standard, see, e.g., Dorta v. Department of Justice, 3 GDS ¶82,349 at 82,908 (D.D.C. 1982), Heimerle v. Department of Justice, 3 GDS ¶82,261 at 82,719 (D.D.C. 1982), or pursuant to a de novo review standard, see Rizzo v. Tyler, 438 F. Supp. at 900. Along the same lines, the bald assertion that the disclosure of information would primarily benefit the public is not sufficient to require a fee waiver. See, e.g., Burriss v. Central Intelligence Agency, 524 F. Supp. at 449 (agency did not abuse its discretion when it denied fee waiver in face of requester's mere assertion that he is a researcher who plans to write book); Mahler v. Bureau of Prisons, 2 GDS ¶82,031 at 81,260 (D.D.C. 1980).

The courts also generally agree that indigency alone, without any showing of public benefit, is insufficient to warrant a fee waiver. See, e.g., Gaylor v. Federal Bureau of Investigation, 2 GDS ¶82,241 at 82,667 (D.D.C. 1982); Diamond v. Federal Bureau of Investigation, 532 F. Supp. 216, 234 (S.D.N.Y. 1981); Jester v. Department of Justice, Civil No. 79-1347, slip op. at 2 (D.D.C. Aug. 24, 1979); Rizzo v. Tyler, 438 F. Supp. at 900; but see Harper v. Federal Bureau of Investigation, slip op. at 3-4.

Recently, the U.S. District Court for the District of Columbia, in Heimerle v. United States Department of Justice, 3 GDS ¶82,261 at 82,719, found that a plaintiff's request to examine all the records requested by him and to select the ones he wanted photocopied was tantamount to a request for a fee waiver because the agency would be required to bear the costs of duplicating the examination copy. The court observed, "The proper remedy for an overbroad request is for plaintiff to narrow the scope of materials he seeks, not for the government to be saddled with the costs of duplicating and transmitting information that plaintiff, after scrutinizing the materials, decides he does not need copies of." Id.

In sum, if the requester seeking a fee waiver makes no substantial showing in support of it and the agency is not otherwise aware of reasons why furnishing the requested information at no cost or at a reduced cost would primarily benefit the general public, then the agency has little to consider and the denial of the fee waiver request should be well within its discretion. Where there is a legitimate showing of public benefit, however, or if such public benefit is readily apparent, the agency must consider the issue; but a rational and fullsome decision, made in good faith in the light of the statutory standard, should similarly be within the scope of sound agency discretion and should be upheld if the agency's administrative record comprehensively reflects the basis for that decision.

XIII. LITIGATION CONSIDERATIONS

The adjudication of a FOIA action involves unique procedural and substantive concerns which even the experienced litigator might at first find bewildering. To provide a general background in selected FOIA litigation considerations, this discussion will sketch a rough chronology of typical FOIA litigation, from the point

of determining whether jurisdictional prerequisites have been met to the assessment of costs on appeal.

At the outset, it should be noted that the Department of Justice substantially revised its policy of defending FOIA actions in May 1981. The Department of Justice now readily defends "all suits challenging an agency's decision to deny a request submitted under the FOIA unless it is determined that: (a) the agency's denial lacks a substantial legal basis; or (b) defense of the agency's denial presents an unwarranted risk of adverse impact on other agencies' ability to protect important records." Memorandum From Attorney General William French Smith To Heads Of All Federal Departments And Agencies, dated May 5, 1981, reprinted in FOIA Update, June 1981, at 3. The "demonstrable harm" standard adopted by the Department of Justice in 1977 is no longer in effect. See id. at 1.

Jurisdiction and Venue

The United States district courts are vested with jurisdiction over FOIA cases by virtue of 5 U.S.C. §552(a)(4)(B), which provides in pertinent part:

> On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

Jurisdiction in a FOIA suit is thus predicated upon the plaintiff showing that an agency has (1) improperly (2) withheld (3) agency records. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 150 (1980). In a companion case to Kissinger, Forsham v. Harris, 445 U.S. 169, 182 (1980), the Supreme Court elaborated on the definition of agency records, explaining that "an agency must first either create or obtain a record as a prerequisite to it becoming an 'agency record' within the meaning of the FOIA." The Supreme Court accordingly held in Forsham that the records of an HHS grant recipient were not HHS agency records, notwithstanding that agency's unexercised right to obtain access to them if it so desired. Id. at 186.

Whether an agency has "improperly" withheld records usually turns on the application of one or more exemptions applied to the documents at issue. In one case, however, an agency's failure to produce requested documents was required by a pre-existing court injunction and the Supreme Court held that one court could not force an agency to disclose records which another court had enjoined it from releasing; under such circumstances, the requested records were not "improperly withheld" within the meaning of the FOIA's jurisdictional language. GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375, 384-86 (1980).

The venue provision of the FOIA, quoted above, provides plaintiffs with a broad choice of forums in which to bring suit. The D.C. Circuit Court of Appeals has over the years decided a great many of the leading cases under the FOIA largely as the result of its designation as an appropriate forum for any FOIA action. See 5 U.S.C. §552(a)(4)(B). While the doctrine of forum non conveniens does apply to FOIA actions, transfers of FOIA cases pursuant to 28 U.S.C. §1404(a) are quite uncommon. But see, e.g., Ferri v. Department of Justice, 441 F. Supp. 404, 406-07 (M.D. Pa. 1977) (court

transferred FOIA action sua sponte under 28 U.S.C. §1404(a) because records sought were located in District of Columbia, all administrative action on request was taken there, and plaintiff's only nexus with transferring forum was his incarceration there). See also Lead Industries Ass'n v. OSHA, 610 F.2d 70, 79 (2d Cir. 1979) (court expressed strong dissatisfaction with plaintiff's decision to lay venue for FOIA action in Southern District of New York when related highly complex review of a substantive OSHA rule was pending in the District of Columbia; court urged transfers or stays on court's own motion if such cases arose in future).

Exhaustion of Administrative Remedies

The general rule under the FOIA is that administrative remedies must be exhausted prior to judicial review. See, e.g., Tuchinsky v. Selective Service System, 418 F.2d 155, 158 (7th Cir. 1969). However, the FOIA permits requesters to treat an agency's failure to comply with its specific time limits as the exhaustion of administrative remedies. 5 U.S.C. §552(a)(6)(C). This is so even where the requester does not file an administrative appeal. See, e.g., Information Acquisition Corp. v. Department of Justice, 444 F. Supp. 458, 462 (D.D.C. 1978). The impact of this constructive exhaustion provision is greatly mitigated, however, by the D.C. Circuit's ruling in Open America v. Watergate Special Prosecution Force, 547 F.2d 605, 615-16 (D.C. Cir. 1976), which holds that an agency is deemed to be complying with the FOIA if it is exercising good faith and due diligence by processing requests in the order in which they are received, absent exceptional urgency on the part of the requester. Under this commonly accepted approach, the courts get immediately involved only in cases in which the agency is not exercising "due diligence" with respect to an individual request or is "lax overall in meeting its obligations under the Act with all available resources," or when the requester can show a genuine need for having his request processed out of turn. Id. See also Exner v. FBI, 542 F.2d 1121, 1123 (9th Cir. 1976). In all other cases, agencies can apply for a "due diligence" stay of judicial proceedings. See, e.g., Greentree v. Drug Enforcement Administration, 3 GDS ¶80,201 at 80,508 (D.D.C. 1980).

Pleadings; Proper Parties

The agency's time to answer a complaint is 30 days from the date of service of process, not the usual 60 days permitted by Federal Rule of Civil Procedure 12(a). See 5 U.S.C. §552(a)(4)(C). Courts are required to accord FOIA cases expedited treatment over all other cases on their dockets, except those deemed to be of greater importance. See 5 U.S.C. §552(a)(4)(D). The usual "substantial evidence" standard of review of agency action is replaced in the FOIA by a de novo review standard. See 5 U.S.C. §552(a)(4)(B). (The one major exception to this de novo review standard under the FOIA is the lesser review standard applied to denials of fee waiver, discussed supra.)

Although the cases are not in complete harmony, the general rule is that only federal agencies and departments are proper party defendants in FOIA litigation. This rule is derived from the language of 5 U.S.C. §552(a)(4)(B), which vests the district courts with jurisdiction to "enjoin the agency" from withholding records (emphasis added). See, e.g., Canadian Javelin, Ltd. v. SEC, 501 F. Supp. 898, 904 (D.D.C. 1980); Providence Journal Co. v. FBI, 460 F. Supp. 778, 782 n.2 (D.R.I. 1978) (FBI, its Director, and Attorney General not proper party defendants in FOIA suit concerning FBI documents), rev'd on other grounds, 602 F.2d 1010 (1st Cir. 1979), cert. denied, 444 U.S. 1071 (1980); but see, e.g., Ferguson v. Kelley, 448 F. Supp. 919, 923 (N.D. Ill. 1978).

Discovery

Generally, discovery is extremely restricted in FOIA actions, except perhaps with respect to the scope of an agency's search, its indexing and classification procedures, and similar factual matters. See, e.g., Murphy v. FBI, 490 F. Supp. 1134, 1136 (D.D.C. 1980) (protective order issued). A FOIA plaintiff should not in any event be permitted to extend his discovery efforts into the agency's thought processes for claiming particular exemptions. See id., citing United States v. Morgan, 313 U.S. 409, 422 (1941). In Murphy, it was also pointed out that factual issues which would be proper subjects of discovery could only arise after the government filed its affidavits and supporting memorandum of law. See id. at 1137. See also Exxon Corp. v. FTC, 384 F. Supp. 755, 758-60 (D.D.C. 1974), remanded mem., 527 F.2d 1386 (D.C. Cir. 1976) (court permitted discovery by interrogatories when affidavits raised question regarding adequacy of search, but denied further discovery after answers to interrogatories, together with entire record in case, resolved such questions).

Further, discovery should be denied altogether if the court is satisfied from the agency's affidavits that no factual disputes remain. Goland v. CIA, 607 F.2d 339, 352 (D.C. Cir. 1978), cert. denied, 445 U.S. 927 (1980). In Military Audit Project v. Casey, 656 F.2d 724, 751 (D.C. Cir. 1981), the trial court's refusal to permit discovery was upheld as the plaintiffs had failed to raise "substantial questions concerning the substantive content of the [defendants'] affidavits." See also Gardels v. CIA, ___ F.2d ___, slip op. at 10 & n.5 (D.C. Cir. Sept. 28, 1982) (No. 81-1567).

Adjudication of the Case

A distinguishing feature of FOIA litigation is that the defending agency bears the burden of sustaining its action of withholding records. See 5 U.S.C. §552(a)(4)(B). The most commonly-used device for meeting this burden of proof is the "Vaughn index," fashioned by the D.C. Circuit Court of Appeals in Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

The Vaughn index came into prominence mainly as a result of the 1974 amendments to the FOIA, especially the addition of the "reasonably segregable" provision to subsection (b). See 5 U.S.C. §552(b) (final sentence). This requirement that agencies separate disclosable information from that which is exempt grew out of Congressional concern over the agencies' sweeping application of exemptions. See generally H.R. Rep. No. 876, 93d Cong., 2d Sess. 7 (1974), reprinted in 1974 U.S. Code Cong. & Ad. News 6267. Particularly in cases involving large numbers of documents, requiring the courts to review directly each individual portion of a record at issue effectively transferred the burden from agencies to the courts themselves. Vaughn v. Rosen, 484 F.2d at 826. Reliance on in camera examination also had the effect of weakening the adversarial process somewhat, as it afforded plaintiff and his counsel no real input on the merits. Id.

The Vaughn decision addressed these concerns by requiring the agencies to prepare an itemized index, correlating each withheld document (or portion) with a specific FOIA exemption and the relevant part of the agency's refusal justification. See id. at 827. Such an index not only makes the trial court's job more manageable, it also enhances appellate review. See id.

The Vaughn index has evolved into an extremely effective tool with which to resolve FOIA cases, developing various permutations to fit particular circumstances. See, e.g., NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 223-24 (1978) (generic explanations, focusing on types of records and harm to investigations resulting from disclosure, permitted under Exemption (7)(A)); Peck v. FBI, 3 GDS ¶82,353 at 82,916 (N.D. Ohio 1981) (sample Vaughn of "one of every 50 documents" employed "for the purpose of relieving defendants of the burden and expense of preparing a complete index"); see also Weisberg v. Department of Justice, 1 GDS ¶80,230 at 80,576 (D.D.C. 1980) (Vaughn index prepared for every 200th document).

Sometimes, in camera examination is ordered even if a Vaughn index is filed. This has occurred where the record in the case was found too vague or agency claims of exemption too sweeping. See, e.g., Diamond v. FBI, 487 F. Supp. 774, 778 (S.D.N.Y. 1979). However, an agency should first have an opportunity to submit its affidavit. See, e.g., Ray v. Turner, 587 F.2d 1187, 1195 (D.C. Cir. 1978); Peck v. FBI, 3 GDS at 82,916. Further, in camera review is not required if there is no reason to question the agency's good faith. See, e.g., Hayden v. NSA, 608 F.2d 1381, 1387 & n.26 (D.C. Cir. 1979), cert. denied, 446 U.S. 937 (1980), citing Weissman v. CIA, 565 F.2d 692, 698 (D.C. Cir. 1977). But see also Allen v. CIA, 636 F.2d 1287, 1291-92 (D.C. Cir. 1980) (in camera review particularly appropriate where only small volume of records involved).

Summary judgment is the vehicle by which virtually all FOIA cases are adjudicated. Motions for summary judgment are governed by Federal Rule of Civil Procedure 56, which provides in part that "judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact." Fed.R.Civ.Pro. 56(c). The widespread use of Vaughn indices, of course, means that affidavits, in the form of Vaughn indexes, will nearly always be submitted in FOIA actions, notwithstanding the rule's language making them optional in general.

The affidavit itself must be based upon the personal knowledge of the affiant, must demonstrate the affiant's competency to testify as to matters stated, and must set forth only facts which would be admissible in evidence. Fed.R.Civ.Pro. 56(e). Thus, affiants should not be selected merely because they occupy a particular position in the agency. (A statute now permits unsworn declarations (i.e., without notarizations) to be utilized in all cases in which affidavits have previously been required. See 28 U.S.C. §1746.)

Usually, a motion for summary judgment is made upon an agency's submission of its Vaughn index, for at this point the court's task is to determine whether exemptions have been invoked properly, which is a question of law. The brief filed by the government in support of a summary judgment motion should work hand-in-hand with the agency's affidavits to demonstrate convincingly to the court that all of the information at issue has been properly withheld.

Attorneys' Fees and Litigation Costs

The FOIA's attorney's fees provision, 5 U.S.C. §552(a)(4)(E), added as part of the 1974 amendments, permits the trial court to award reasonable attorney fees and litigation costs if the plaintiff

has "substantially prevailed." This requires courts to address in a two-step inquiry: (1) Is the plaintiff eligible for an award of fees and/or costs? (2) If so, is the plaintiff entitled to them? The award of fees is discretionary with the court, once the threshold of eligibility has been crossed. See, e.g., Fund for Constitutional Government v. National Archives & Records Service, 656 F.2d 856, 870 (D.C. Cir. 1981).

To be eligible for a fee award, the plaintiff must "substantially prevail" within the meaning of 5 U.S.C. §552(a)(4)(E). That is, the plaintiff must show that prosecution of the suit was reasonably necessary to obtain the information and that a causal connection existed between the suit and the agency's production of documents. See, e.g., Cox v. Department of Justice, 601 F.2d 1, 6 (D.C. Cir. 1979), citing Vermont Low Income Advocacy Council, Inc. v. Usery, 506 F.2d 509, 513 (2d Cir. 1976), and Cuneo v. Rumsfeld, 553 F.2d 1360, 1366 (D.C. Cir. 1977). In some instances, a plaintiff might possibly be deemed to have substantially prevailed even if no documents are released. See, e.g., Allen v. Department of State, 565 P.2d 699, 706 n.11 (D.C. Cir. 1977), cert. denied, 434 U.S. 1046 (1978).

Even if a plaintiff meets the eligibility test, the court must exercise its discretion in deciding whether plaintiff is entitled to an award. This discretion is guided by four criteria: (1) the public benefit derived from the case; (2) the commercial benefit to the complainant; (3) the nature of the complainant's interest in the records sought; and (4) whether the government's withholding had a reasonable basis in law. Fenster v. Brown, 617 F.2d 740, 742 (D.C. Cir. 1979).

If a court decides to make a fee award, the next task is to determine an appropriate fee amount. The starting point is to multiply the number of hours reasonably expended by a reasonable hourly rate. Copeland v. Marshall, 641 F.2d 880, 891 (D.C. Cir. 1980) (en banc). This "lodestar" may be adjusted up or down depending upon the skill of counsel, the difficulty of the case, and related factors. See id. at 892-94. Courts will accept affidavits from local attorneys to support hourly rates, but they should be couched in terms of specific market rates for particular types of litigation and they should be well documented. National Ass'n of Concerned Veterans v. Secretary of Defense, 675 F.2d 1319, 1325 (D.C. Cir. 1982) (as modified by the panel), reh'g en banc denied, Nos. 81-1364, 81-1424 (D.C. Cir. Aug. 26, 1982).

Considerations on Appeal

Once a case is on appeal, it is necessary for the government to obtain a stay of any trial court disclosure order. The government's motion for such a stay should be granted as a matter of course in FOIA cases, as denial would destroy the status quo and cause irreparable harm to the appellant, while granting such a stay causes relatively minimal harm to the appellee. See, e.g., Providence Journal Co. v. FBI, 595 F.2d 899, 890 (1st Cir. 1979).

Finally, Rule 39(a) of the Federal Rules of Appellate Procedure is applied to award costs to the government when it is successful in a FOIA appeal. The D.C. Circuit Court of Appeals, sitting en banc, recently held that the presumption in Rule 39(a) favoring award of costs is fully applicable in FOIA cases. See Baez v. Department of Justice, 684 F.2d 999 (D.C. Cir. 1982) (en banc).

XIV. "REVERSE" FOIA - SUBMITTERS' RIGHTS

A "reverse" FOIA action is one in which the submitter of information--usually a corporation or other business entity--seeks to enjoin an agency from releasing that information in response to a third-party FOIA request. The landmark case in the "reverse" FOIA area is Chrysler Corp. v. Brown, 441 U.S. 281 (1979), in which the Supreme Court held that jurisdiction for a "reverse" FOIA action can be implied neither under the FOIA nor under the Trade Secrets Act, 18 U.S.C. §1905, but that such actions can be brought under the Administrative Procedure Act (APA), 5 U.S.C. §§701, et seq. See 441 U.S. at 292-317. Accordingly, the Supreme Court held, the APA's predominant scope and standard of judicial review--review on the administrative record according to an "arbitrary and capricious" standard--should "ordinarily" apply to "reverse" FOIA actions. Id. at 318. In the wake of Chrysler, almost all then-pending "reverse" FOIA cases were remanded for the preparation of adequate records for APA review, and there has been extremely little "reverse" FOIA litigation since that time.

In order to alleviate some of the problems that can occur in "reverse" FOIA cases, however, and to protect the legitimate interests of submitters of information, the Department of Justice has recently issued specific guidance on the rights of submitters and the procedures necessary for the creation of adequate administrative records in anticipation of "reverse" FOIA litigation. See FOIA Update, June 1982, at 3.

XV. BASIC FOIA REFERENCES

Congressional References

House of Representatives Committee on Government Operations, Freedom of Information Act (Compilation and Analysis of Department Regulations Implementing 5 U.S.C. §552). Committee Print, 90th Cong., 2d Sess. (1968), 303 pages with appendices. Out of print. Available in law libraries.

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Senate Committee on the Judiciary, Freedom of Information Act Source Book: Legislative Materials, Cases, Articles. S. Doc. No. 93-82, 93rd Cong., 2d Sess. (1974), 432 pages on the Act prior to the 1974 Amendments. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Stock number 052-070-02303-1; price: $8.00.)

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Senate Committee on the Judiciary, Agency Implementation of the 1974 Amendments to the Freedom of Information Act. Committee Print, 95th Cong., 2d Sess. (1980), 188 pages. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Stock number 052-070-05279-1; price: $5.50.)

Senate Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, The Erosion of Law Enforcement Intelligence and Its Impact on the Public Security. Committee Print, 95th Cong., 2d Sess. (1978), 179 pages. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Stock number 052-070-04771-2; price: $5.50.)

Justice Department Materials

FOIA Update, a newsletter of information and guidance for federal agencies, published quarterly by the Office of Information and Privacy, U.S. Department of Justice. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Stock number 027-000-80002-5; annual subscription price: $5.50 domestic, $6.90 foreign.)

Attorney General's May 4, 1981, Memorandum on the Freedom of Information Act. Available from the Office of Information and Privacy, U.S. Department of Justice, 550 11th Street, N.W., Washington, D.C. 20530.

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Administrative Law Treatise (2d ed. 1978), Kenneth Culp Davis, K.C. Davis Publishing Co., University of San Diego, San Diego, CA 92110. Supplement published in 1982.

Federal Information Disclosure (1977), James T. O'Reilly, McGraw-Hill Book Co., Shepard's Inc., P.O. 1235, Colorado Springs, CO 80901. Twice yearly supplements.

Government Disclosure, Prentice-Hall, Englewood Cliffs, NJ 07632. A monthly summary of FOIA-related matters which includes decisions in FOIA and PA cases since 1980.

Guidebook to the Freedom of Information Act and the Privacy Act (1980), compiled and edited by Robert F. Bouchard and Justin D. Franklin, Clark Boardman Co., New York, NY 10014.

Privacy Times, a newsletter of comment about the Privacy Act/ Freedom of Information Act, published biweekly by Privacy Times, Inc., Washington, D.C. 20009.

Litigation under the Federal Freedom of Information Act and Privacy Act (7th ed. 1981), Center for National Security Studies, Washington, D.C. 20002.

TOPICAL INDEX

This index is divided into five parts:

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II. FOIA EXEMPTIONS

III. WORDS AND PHRASES

IV. OTHER U.S. CODE SECTIONS

V. FEDERAL RULES

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536*, 545**, 546, 547*, 551*, 552, 557, 566, 567, 569, 570, 577, 582*, 583, 584, 588*, 592, 599, 604**, 607*, 608, 614, 615*, 616, 641*, 643*, 648, 656, 659, 664, 673, 676, 678, 680, 681*, 683, 688, 689, 693, 696, 697, 699, 701*, 703, 704, 708, 718, 725*, 729*, 731*, 738, 740, 744, 750, 759, 766, 767, 776, 782*, 783, 785, 798, 814*, 815, 820, 826*, 828, 834, 840**, 842*, 848*, 850, 853, 859, 866*, 871, 875*, 877, 879*, 885, 888, 890, 893, 895, 898**, 900, 902, 910, 912*, 914, 923, 924*, 925, 929, 933*, 934, 946*, 951, 957*, 963*, 975, 977, 978, 979, 985*, 992*, 998*, 1004, 1005, 1007, 1019, 1030*, 1032, 1034*, 1036*, 1039, 1042, 1043, 1045, 1051*, 1053*, 1058, 1061*, 1064*, 1064 1066*, 1072*, 1073, 1074, 1083, 1095*, 1096, 1097*, 1106, 1112, 1113*, 1127, 1132*, 1134, 1139, 1140**, 1169, 1170*, 1177, 1183, 1186, 1187*, 1196*, 1200*, 1201**, 1203*, 1217, 1218, 1219, 1220, 1221*, 1224**, 1229*, 1233*, 1237, 1243*, 1246, 1247, 1255*, 1267, 1278, 1282, 1284, 1287, 1295*, 1305, 1309*, 1323*, 1325, 1347, 1349, 1371, 1386, 1398, 1402, 1405, 1406, 1413, 1429*, 1430, 1436, 1443, 1445*, 1448, 1454*, 1458, 1462*, 1464*, 1465, 1466*, 1474, 1475, 1478*, 1479, 1482, 1487, 1499, 1502, 1506, 1509, 1512*, 1524, 1526, 1529.

(b)(4) (trade secrets and commercial or financial information): 29*, 42, 76*, 83, 84, 126, 135*, 150*, 159, 170*, 174, 178*, 181, 198*, 199, 214*, 231, 241*, 254**, 279, 291, 297, 307*, 311, 315, 320, 321*, 323*, 324*, 338*, 370, 399*, 400*, 405, 408, 480, 487, 488, 490*, 492, 493*, 515, 519*, 529, 545**, 547*, 549**, 554, 565, 568*, 577, 585, 590, 603**, 607*, 611*, 638, 639, 648, 676, 685, 688, 697, 701*, 705, 708, 710, 724*, 729*, 730, 735, 752, 761, 790, 815, 821, 853, 874, 875*, 890, 893, 910, 911*, 913, 917, 924*, 925, 928, 929, 953*, 955*, 963*, 975, 979, 984, 995, 1016*, 1026*, 1050*, 1057*, 1058, 1066*, 1071*, 1073, 1078, 1082, 1096, 1100, 1101, 1131, 1146*, 1155, 1157*, 1168, 1173, 1182, 1198, 1200*, 1203*, 1233*, 1248, 1270, 1271*, 1275, 1288, 1296*, 1303, 1305, 1307*, 1312*, 1315, 1324, 1328*, 1337, 1340*, 1350, 1351, 1353, 1365, 1375*, 1385, 1398, 1402, 1403, 1405, 1406, 1410*, 1411, 1420, 1430, 1444*, 1447*, 1451, 1456, 1462*, 1469*, 1473, 1474, 1475, 1477*, 1479, 1512*. See also Words and Phrases: commercial privilege; promise of confidentiality; reverse FOIA.

(b)(5) (privileged information): 8, 9*, 10, 12, 14, 15, 26, 28, 33, 36, 38*, 42, 59, 60, 61, 62, 63, 66, 68, 70, 74, 75, 77, 81, 83, 84, 87, 88*, 90, 91, 102, 104, 112, 116*, 118, 120, 126, 127, 133, 135*, 147, 148*, 152, 158, 160*, 165, 169*, 170*, 171*, 173, 174, 177, 178*, 181, 183, 185, 189, 190, 203, 207*, 208, 214*, 223, 230, 239, 245, 248*, 249, 253, 255, 257, 262*, 269*, 271, 275, 280, 288, 290, 292, 294*, 297, 300, 302*, 305*, 308*, 313, 314, 321*, 325, 326, 327, 328, 330, 333*, 336, 338*, 339, 362*, 365*, 371, 373, 376*, 381, 382*, 392, 393, 398, 400*, 410*, 411, 417, 425, 432*, 438, 440, 441, 445, 453, 457*, 464, 465, 467, 480, 482, 483, 488, 489*, 490*, 493*, 500, 508, 510*, 516, 518, 519*, 527, 528, 529, 530*, 531, 532, 539, 548, 554, 560*, 567, 569, 570, 574*, 576*, 579, 581, 590, 591*, 595, 596, 603**, 605*, 612, 624, 648, 655, 661, 671, 674, 686, 687*, 690*, 692, 695, 704, 705, 703, 711, 713, 721, 727*, 733, 735, 736, 742, 749, 755, 757, 760, 761, 765, 766, 767, 772*, 775*, 782*, 787, 790, 793, 794, 805, 809, 811*, 812*, 813*, 820, 828, 832, 833, 835, 836, 843, 845, 850, 853, 856, 860, 863, 864*, 873, 874, 876*, 877, 887*, 889*, 893, 894, 896, 899*, 901, 906*, 909*, 913, 914, 915, 917, 919, 920*, 924*, 925, 929, 931, 932*, 933*, 935, 936, 937*, 942, 950, 954*, 955*, 959*, 962, 967, 968, 970, 973, 977, 978, 985*, 988, 994*, 995, 996, 1002*, 1005, 1009, 1011*, 1015, 1016*, 1019, 1023*, 1026*, 1028*, 1031, 1032, 1033*, 1038, 1042, 1043, 1047*, 1048, 1049, 1060, 1061*, 1066*, 1067*, 1068, 1069, 1072*, 1073, 1074, 1076*, 1079*, 1081, 1082, 1084*, 1097*, 1100, 1103*, 1106, 1114, 1122, 1128, 1138*, 1141,

1153, 1160*, 1162*, 1163*, 1169, 1174, 1190, 1194*, 1195*, 1205**, 1207, 1210, 1212, 1214, 1215, 1227, 1233*, 1237, 1238**, 1240, 1249*, 1253, 1262, 1271*, 1274, 1286, 1294, 1296*, 1297, 1299, 1306*, 1311, 1313, 1314*, 1316*, 1318, 1323*, 1325, 1326*, 1329, 1332, 1333*, 1336, 1337, 1338, 1340*, 1351, 1352*, 1354, 1355*, 1358, 1360*, 1361, 1374, 1379*, 1391, 1404, 1406, 1416, 1417, 1418*, 1419, 1420, 1422, 1427, 1428, 1431, 1433*, 1447*, 1449, 1456, 1464*, 1469*, 1482, 1491, 1494*, 1503, 1516, 1517*, 1519, 1523, 1528, 1529. See also Words and Phrases: attorney-client privilege; attorney work-product privilege; commercial privilege; executive privilege; incorporation by reference; inter- or intra-agency memoranda; reasonably segregable.

(b)(6) (personal privacy information): 9*, 11, 13, 14, 35, 52, 53, 56, 71, 74, 75, 76*, 78, 84, 89, 90, 95, 114, 116*, 119, 120*, 126, 144, 150*, 182*, 207*, 229, 235, 239*, 240, 250, 255*, 257, 260*, 261, 263, 269*, 301*, 305*, 312, 368, 371, 372, 389, 390, 395, 396*, 399*, 410*, 422, 436, 445, 478*, 481, 484*, 485, 486, 487, 495, 496, 500, 504*, 516, 418, 557, 567, 581, 591*, 599, 628*, 641*, 644, 651, 654, 660, 664, 667, 668, 673, 678, 679*, 682*, 683, 690, 703, 705, 708, 711, 712, 713, 790, 800*, 803*, 806*, 817, 821, 828, 854*, 859, 861, 872, 876*, 885, 892, 897, 910, 911*, 922, 954*, 963*, 966, 971, 973, 975, 977, 984, 1011*, 1020, 1028*, 1041, 1042, 1048, 1059, 1061*, 1070, 1072*, 1083, 1086, 1093*, 1097*, 1098, 1100, 1102, 1110, 1113*, 1139, 1146*, 1151**, 1157*, 1159, 1162*, 1169, 1183, 1191*, 1198, 1203*, 1214, 1217, 1241*, 1243*, 1262, 1270, 1274, 1287, 1294, 1300, 1314*, 1325, 1249, 1253, 1358, 1364*, 1365, 1377, 1388, 1404, 1418*, 1425, 1444, 1446**, 1447*, 1458, 1466*, 1468, 1474, 1479, 1496*, 1526. See also Words and Phrases: similar files.

(b)(7) (investigatory law enforcement information): 5, 7*, 44, 54, 63*, 66*, 84, 91, 106, 107, 109, 116*, 120*, 122, 136, 136, 142, 145*, 156, 165, 168, 170*, 212, 232*, 244, 256*, 258, 260*, 269*, 281, 285*, 297, 299, 306*, 312, 320, 325, 331, 336, 337, 340, 341*, 342*, 365*, 366, 368, 386, 398, 400*, 416, 435, 449, 456, 459*, 461*, 464, 484*, 492, 496, 504*, 512*, 524, 531, 535, 549*, 559*, 567, 585, 591*, 625*, 671, 672, 677, 682*, 707, 719, 723, 728*, 751, 756*, 766, 769, 787, 799*, 803*, 804*, 815, 819*, 822, 831, 843, 853, 866*, 896, 910, 925, 929, 931, 937*, 938*, 977, 1042, 1060, 1062, 1068, 1072*, 1080*, 1087*, 1088, 1109, 1114, 1156, 1157*, 1161, 1203*, 1205**, 1210, 1230, 1234, 1236, 1266, 1288, 1299, 1300, 1334, 1382*, 1398, 1446, 1455, 1460*, 1461*, 1466*, 1469*, 1471*, 1494*, 1498. See also Words and Phrases: investigatory records; law enforcement purpose.

(b)(7)(A) (interference with ongoing proceedings): 4*, 8, 13, 15, 18, 21*, 27, 28, 39*, 41*, 42, 47*, 61, 68, 70, 72, 75, 81, 82*, 101*, 104, 108*, 133, 151, 162, 168, 171*, 175, 187, 190, 193, 202, 204, 206*, 210, 211, 219*, 236*, 242*, 243, 248&, 253, 255*, 262*, 265, 266, 286*, 289*, 294*, 305*, 326, 336, 337, 348, 364, 371, 373, 378, 382*, 410*, 414*, 417, 424, 428, 432*, 435, 437*, 438, 439, 440, 441, 449, 453, 465*, 469, 471, 488, 509*, 523, 529, 548, 554, 556, 469, 570, 574*, 578, 579, 580*, 598, 624, 631, 632, 636, 637*, 661, 686, 699, 704, 708, 721, 733, 734, 742, 747, 757, 762, 765, 766, 789, 792, 817, 822, 834, 835, 836, 837, 850, 859, 863, 684*, 871, 876*, 893, 894, 907, 928, 929, 938*, 939, 946*, 948, 960, 961*, 967, 980, 983, 987*, 996, 1006, 1009, 1010*, 1019, 1028*, 1029, 1035, 1062, 1072, 1077*, 1083, 1084, 1090, 1107, 1115, 1117, 1119*, 1128**, 1163*, 1247, 1272, 1273, 1274, 1293, 1295*, 1301, 1310, 1320, 1325, 1329, 1332, 1351, 1352*, 1362*, 1387*, 1404, 1419, 1436, 1449, 1482, 1499, 1518, 1522*, 1528.

(b)(7)(B) (jeopardy to a fair trial): 72, 350, 432*, 1072*.

(b)(7)(C) (personal privacy): 7*, 18, 21*, 22, 26, 27, 28, 49, 53, 55, 59, 61, 70, 72, 78, 80, 82*, 86, 90, 95, 96*, 104, 114, 116*, 118, 119, 120*, 122, 133, 138, 141, 147, 153, 158, 182*, 186, 189, 193, 208, 211, 215, 219*, 228, 253, 255*, 257, 258, 259, 261, 263, 265, 266, 269*, 275, 289*, 305*, 309*, 312, 328, 339, 345, 354, 367*, 368, 371, 378, 380, 383*, 386, 390, 395, 401, 404, 412, 416, 420, 430, 439, 440, 448, 483, 484*, 496, 499, 503, 504*, 512*, 514, 518, 524, 529, 530*, 541, 558, 567, 569, 570, 598, 614, 620, 621*, 624, 631, 641*, 644, 645, 646, 648, 650, 654, 655, 659, 678, 679, 682*, 690*, 708, 711, 712, 713, 715, 739, 747, 757, 762, 765, 766, 767, 768, 770, 772*, 774, 776, 791, 792, 793, 799*, 802*, 803*, 806*, 817, 819*, 820, 823, 826*, 829*, 831, 833, 834, 835, 836, 844, 484*, 856, 859, 860, 861, 862, 863, 864*, 869*, 872, 876*, 877, 884, 889*, 894, 901, 903, 904, 907, 916*, 933*, 939, 947, 948, 960, 961*, 984, 997*, 1006, 1012, 1018, 1019, 1021*, 1022, 1025, 1028*, 1041, 1043, 1048, 1059, 1062, 1063, 1065, 1072*, 1074, 1075, 1083, 1084*, 1087*, 1090, 1093*, 1103*, 1104, 1106, 1107, 1109, 1110, 1128, 1138**, 1145, 1159*, 1169, 1178*, 1181, 1188*, 1189, 1218, 1223*, 1227, 1242, 1260, 1266, 1274, 1281, 1282, 1284, 1287, 1292*, 1300, 1301, 1302, 1310, 1319, 1320, 1325, 1332, 1334, 1335*, 1343*, 1352*, 1357*, 1367, 1373, 1377, 1404, 1416, 1417, 1419, 1434, 1449, 1453, 1462*, 1463, 1468, 1470, 1482, 1491, 1492, 1495, 1502, 1511, 1518, 1522*, 1526, 1528, 1529.

(b)(7)(D) (confidential sources): 8, 12, 22, 26, 27, 28, 32*, 36, 42, 49, 53, 55, 61, 70, 80, 82*, 86, 90, 96*, 104, 106, 122, 123, 133, 141, 144, 147, 153, 158, 186, 189, 193, 208, 215, 228, 253, 258, 261, 262*, 263, 265, 266, 269*, 289*, 300, 313, 326, 339, 345, 356, 367*, 371, 380, 382*, 386, 390, 404, 412, 416, 419*, 420, 428, 439, 448, 465*, 483, 499, 503, 510*, 512*, 514, 518, 524, 528, 532*, 541, 548, 554, 567, 574*, 580*, 589, 598, 610, 614, 620, 621*, 624, 631, 641*, 644, 646, 648, 650, 655, 659, 678, 682*, 708, 715, 728*, 733, 751, 757, 762, 767, 768, 770, 772*, 774, 776, 791, 792, 799*, 802*, 803*, 806*, 812*, 819*, 820, 823, 833, 834, 835, 848*, 856, 859, 861, 862, 863, 864*, 869*, 872, 877, 884, 888, 889*, 894, 901, 903, 916*, 928, 929, 933*, 935, 939, 947, 948, 961*, 983, 997*, 1006, 1012, 1018, 1021*, 1025, 1028*, 1043, 1059, 1062, 1064*, 1065, 1072*, 1075, 1080*, 1083, 1084*, 1087*, 1090, 1103*, 1109, 1110, 1120, 1138**, 1144, 1169, 1178*, 1181, 1188*, 1189, 1218, 1223*, 1227, 1242, 1260, 1262, 1266, 1274, 1281, 1282, 1284, 1287, 1292*, 1301, 1302, 1310, 1332, 1335*, 1343*, 1349, 1352*, 1357*, 1367, 1370, 1404, 1416, 1417, 1419, 1434, 1435, 1453, 1462*, 1463, 1468, 1492, 1495, 1511, 1518, 1522*, 1526. See also Words and Phrases: assurance of confidentiality; "mosaic."

(b)(7)(E) (investigatory techniques and procedures): 26, 32*, 55, 90, 147, 186, 258, 348, 380, 386, 420, 440, 483, 484*, 488, 523, 559*, 614, 641*, 644, 655, 659, 755, 765, 770, 776, 792, 803*, 826*, 831, 844, 859, 861, 884, 903, 904, 935, 1018, 1083, 1084*, 1087*, 1218, 1227, 1254*, 1284, 1335*, 1357*, 1416, 1453, 1511, 1525, 1526.

(b)(7)(F) (physical safety of law enforcement personnel): 26, 86, 258, 262*, 339, 345, 368, 500, 645, 659, 772*, 856, 859, 869*, 904, 939, 1006, 1043, 1062, 1093*, 1110, 1188*, 1227, 1282, 1284, 1492.

(b)(8) (bank examiner information): 78, 318*, 375, 387, 490*, 569, 591*, 769, 892, 1226.

(b)(9) (oil well information): 1050*, 1312*.

III. WORDS AND PHRASES

adequacy of agency affidavit: 13, 23*, 26, 30, 65, 117, 142, 182, 256*, 266, 276, 277*, 288, 294*, 372, 380, 433, 468, 495, 514, 536*, 615*, 641*, 681**, 683, 693, 728*, 729*, 739, 792, 793, 859, 895, 1016*, 1055*, 1061*, 1072*, 1083, 1087*, 1116, 1154, 1156, 1175, 1244, 1257, 1283, 1295*, 1301, 1308, 1344, 1354, 1453, 1461*, 1475, 1490, 1514.

adequacy of request: 3, 128, 184, 290, 388, 462, 464, 484*, 500, 534*, 543, 601, 753*, 795*, 830, 857, 882, 900, 1017, 1046, 1085, 1087*, 1092, 1110, 1192, 1289*, 1331, 1354, 1483.

agency: 84, 94, 148*, 273, 274, 362*, 377*, 507**, 533*, 535, 539, 567, 647, 709, 732*, 774, 777*, 838*, 882, 998*, 1017, 1027*, 1097*, 1099, 1126**, 1147*, 1162*, 1171, 1172*, 1225, 1251*, 1263, 1271*, 1285, 1289*, 1290*, 1342*, 1413, 1447*, 1486, 1503.

agency records (general): 19*, 148*, 259, 264, 271, 273, 346, 396*, 402*, 411, 447, 474*, 496, 507**, 512*, 553, 626, 654, 694, 726, 729*, 744, 762, 793, 810, 868, 879*, 892, 899*, 955*, 968, 992*, 998*, 1017, 1040, 1053*, 1099, 1115, 1162*, 1179, 1182, 1196*, 1200*, 1237, 1253, 1280, 1284, 1325, 1392*, 1395, 1423, 1439, 1459*, 1462*, 1475, 1522*.

agency records (Congressional records not agency records): 495, 568*, 681**, 708, 820, 914, 978, 1031, 1193*.

agency records (judicial branch records not agency records): 26, 219*, 329*, 484*, 796, 1110, 1262, 1413, 1436, 1441*.

agency records (personal records not agency records): 173, 577, 1082, 1126**, 1405, 1500.

agency subpoenas: 69*, 474*, 476*, 477*, 1209, 1211, 1213, 1377, 1384*, 1387*, 1450*.

assurance of confidentiality: 123, 153, 339, 420, 503, 580*, 655, 802*, 812*, 839*, 956, 1287, 1511.

attorney-client privilege: 62, 169*, 208, 257, 290, 294*, 295*, 308*, 516, 570, 595*, 722*, 736, 760, 782*, 917, 936, 985*, 1032, 1082, 1253, 1297, 1379*.

attorney's fees: 2, 30*, 31, 34, 37, 46*, 60*, 71, 89, 95, 96*, 101, 141, 143, 148*, 159, 192*, 194*, 207*, 217, 225*, 239*, 251, 257, 270*, 283*, 287, 288, 296*, 303, 310*, 316, 322, 335*, 339, 343*, 349, 357*, 359*, 360*, 361, 365*, 367*, 371, 390, 396*, 419*, 426, 428, 432*, 434, 448, 461*, 467, 471, 479*, 481, 486, 497, 499, 500, 501, 502, 511, 522, 530*, 543, 551*, 561*, 562, 568*, 572, 591*, 593, 597, 599, 602*, 623, 654, 657, 666*, 679*, 698, 702, 703, 710, 739, 750, 752, 754, 755, 768, 769, 806*, 808*, 820, 834, 845, 847*, 848*, 864*, 870, 871, 883, 886, 903, 921, 923, 930, 935, 952*, 975, 976*, 991, 998*, 1017, 1022, 1025, 1045, 1077*, 1079*, 1098, 1128, 1130, 1133*, 1143, 1154, 1164, 1192, 1233*, 1242, 1245, 1257, 1269, 1274, 1292*, 1317, 1365, 1409, 1421*, 1424*, 1433*, 1434, 1435, 1437, 1442, 1452*, 1462*, 1464*, 1467, 1472*, 1476, 1488, 1504, 1513, 1527.

attorney work-product privilege: 36, 68, 75, 118, 190, 208, 248*, 257, 269*, 294*, 295*, 465*, 467, 489*, 500, 516, 570, 579, 595*, 596, 708, 710, 722*, 755, 832, 877, 902, 929, 933*, 936, 994*, 996, 1079*, 1103*, 1223*, 1253, 1297, 1336, 1360*, 1361, 1379*, 1391, 1449.

belated classification: 96*, 174, 234, 819*, 956.

burden of proof: 30, 32*, 159, 260*, 294*, 295*, 305*, 311, 337, 339, 394, 420, 501, 513*, 531, 696, 728*, 759, 766, 803*, 859, 953*, 963*, 1016*, 1109, 1115, 1203*, 1243*, 1308, 1332, 1357*, 1370, 1405, 1414*, 1418*, 1487, 1490.

case or controversy: 140, 317*, 998*.

commercial privilege: 174, 576*, 612, 749, 906**.

Congressional subpoenas: 64*, 476*.

declaratory relief: 319, 320.

de novo review: 266, 291, 513*, 633, 739, 866*, 914, 1043, 1113*, 1137, 1203*, 1340*, 1414*, 1425*, 1512*.

disciplinary proceedings: 89, 443, 679*, 847*.

disclosure to Congress: 64*, 474*, 476*, 934, 945*.

discovery/FOIA interface: 102, 117, 182*, 223, 337, 478*, 576*, 671, 760, 793, 990, 1035, 1072*, 1120, 1210, 1212, 1379*, 1480.

discovery in FOIA litigation: 23*, 54, 152, 233, 263, 288,290, 390, 489, 500, 514, 526, 564*, 567, 620, 706*, 811*, 820, 850, 895, 912*, 926, 946*, 1125, 1184*, 1226, 1244, 1358, 1461*.

discretionary release: 62, 69*, 241*, 247, 324*, 432*, 473, 520*, 638, 685, 725*, 850, 910, 945*, 1005, 1292*, 1477*, 1479.

dismissal for failure to prosecute: 121, 218, 1089, 1366, 1440.

duty to create a record: 144, 147, 154*, 396*, 505, 564*, 795*, 842*, 1106, 1185, 1462*, 1487, 1522*.

duty to disclose: 76*, 89, 427, 475, 545**, 715, 720*, 763, 1282, 1400.

duty to search: 52, 53, 125, 128, 130, 137, 141, 147, 191, 235, 256*, 263, 276, 288, 290, 295*, 389, 390, 394, 437*, 455, 462, 465*, 495, 500, 513*, 514, 524, 568*, 596, 599, 601, 646, 738, 772*, 781, 786, 793, 805, 823, 827, 850, 867*, 879*, 882, 895, 986*, 1032, 1043, 1055*, 1087*, 1098, 1104, 1109, 1123, 1150, 1158, 1179, 1217, 1226, 1258, 1259, 1266, 1298, 1301, 1347, 1369*, 1458, 1461*, 1487, 1492, 1493.

equitable discretion: 132*, 140, 212*, 338*, 415*, 492, 525**, 618*, 629*, 743, 842*, 874, 975, 1121, 1271*, 1323*, 1324, 1496*.

exceptional circumstances/due diligence: 99, 233, 284*, 310*, 349, 461*, 573, 587, 665, 927, 974, 1014*, 1118, 1135, 1143, 1228, 1277, 1298, 1305.

Executive Order 11652: 20*, 96*, 97, 527, 614, 623, 650, 819*, 865, 866*, 1132*, 1169, 1184*, 1292*, 1340*.

Executive Order 12065: 14, 50*, 164, 189, 214*, 228, 372, 416, 420, 468, 599, 683, 693*, 739, 765, 792, 803*, 859, 865, 868, 895, 914, 934, 936, 956, 1039, 1042, 1048, 1087*, 1158, 1175, 1185, 1292*, 1308, 1327*, 1349, 1453, 1457**.

executive privilege (deliberative process privilege): 59, 60*, 62, 68, 74, 118, 127, 145*, 173, 208, 250, 295*, 308*, 313, 384*, 452, 453, 457*, 527, 579, 596, 603**, 692, 695, 713, 736,

782*, 820, 873, 877, 909*, 932*, 935, 936, 967, 970, 985*, 1042, 1047, 1067*, 1072*, 1100, 1141, 1148, 1153, 1160*, 1190, 1205**, 1249*, 1253, 1297, 1314, 1316, 1358, 1491, 1529.

exhaustion of administrative remedies: 3, 25, 111, 125, 129, 163, 169*, 179, 201, 216, 225*, 314, 369, 388, 390, 391*, 403, 418*, 456, 491, 521, 524, 526, 538, 540, 543, 571, 598, 601, 622, 634*, 635, 637*, 649*, 652, 663, 702, 712, 714, 741, 746, 758*, 763, 764, 788, 846, 857, 858, 870, 880, 881, 940, 943, 974, 1024, 1025, 1090, 1094, 1104, 1118, 1136, 1138**, 1180, 1192, 1231, 1233*, 1261, 1264, 1265, 1298, 1339, 1364*, 1372, 1381*, 1455, 1483.

failure to meet time limits: 163, 216, 233, 284*, 345, 505, 714, 788, 806*, 857, 943, 1014*, 1231, 1298, 1483.

fees: 58, 113, 115, 175, 194*, 200, 216, 391*, 466, 494, 542, 644, 714, 842*, 849*, 878, 1124*, 1233*.

fee waiver: 25, 53, 58, 79, 194*, 197, 200, 205, 233, 303, 308*, 391*, 413, 423, 458, 494, 506, 542, 633, 652, 702, 748, 841, 851, 856, 857, 881, 918, 989, 1044, 1137, 1158, 1216, 1268*, 1497, 1507.

FOIA as a discovery tool: 32*, 76*, 81, 82*, 210, 238*, 289*, 295*, 339, 397, 398, 399*, 422, 439, 465*, 531, 550, 554, 589*, 586*, 636, 687*, 716*, 724*, 777*, 791, 830, 833, 887*, 905, 927, 948, 964, 1033*, 1142, 1197*, 1199, 1208*, 1222*, 1272, 1352*, 1381*, 1393, 1397*, 1399, 1422, 1428, 1518.

FOIA/PA interface: 48, 53, 112, 419*, 461*, 518, 588*, 651, 656, 788, 839*, 897, 916*, 918, 1006, 1030*, 1047, 1256*, 1334, 1335*, 1388, 1434, 1505, 1510*, 1515*.

"Glomar" denial (neither confirm nor deny): 53, 93, 368, 372, 433, 536*, 908, 1061*, 1159, 1246, 1454*, 1457**, 1506, 1509.

improper withholding: 219*, 355, 427, 472*, 496, 561*, 604**, 1055*, 1056*, 1126**, 1137, 1290*, 1438, 1445*, 1524.

in camera affidavit: 13, 23*, 206*, 277*, 372, 513*, 739, 882*, 912*, 1061*, 1072*, 1185, 1292*.

in camera inspection: 14, 23*, 42, 50*, 63*, 98*, 106, 108*, 120*, 126, 132*, 145*, 182*, 185, 206*, 220, 234, 235, 261, 265, 266, 277*, 278, 292, 302*, 326, 420, 483, 495, 500, 526, 584, 595*, 618*, 619, 620, 637*, 643*, 661, 664, 673, 681**, 683, 693*, 696, 708, 722*, 728*, 739, 751, 752, 762, 765, 773, 784, 790, 792, 794, 811*, 829*, 859, 869*, 877, 899*, 912*, 956, 1025, 1043, 1046, 1062, 1087*, 1112, 1113*, 1114, 1154, 1169, 1223*, 1292*, 1295*, 1297, 1308, 1320, 1335*, 1378*, 1390, 1432, 1434, 1453, 1454*, 1466*, 1475, 1487, 1511.

incorporation by reference: 33, 126, 288, 308*, 1249*.

injunction of agency proceeding pending resolution of FOIA claim: 4*, 28, 30, 35*, 81, 85, 103**, 104, 124, 133, 210, 241, 295*, 441, 444*, 454, 544, 556, 624, 635, 691, 733, 818, 824*, 905, 907, 969, 1052, 1091, 1117, 1165, 1199, 1206*, 1232, 1276, 1321, 1330, 1352*, 1407.

inter- or intra-agency memoranda: 88*, 208*, 245, 338*, 528, 970, 1449, 1521.

interaction of (a)(2) & (a)(3): 629*, 755.

investigatory records: 5, 7**, 106, 145*, 168, 256*, 336, 337, 386, 449, 469, 484*, 496, 504*, 567, 672, 682*, 766, 799*, 819*, 1062, 1072*, 1087*, 1109, 1230.

jurisdiction: 92, 304*, 431*, 564*, 594*, 779, 840*, 949*, 999*, 1010*, 1139, 1192, 1204*, 1235, 1252*, 1322, 1485, 1518.

law enforcement purpose: 5, 106, 116*, 120*, 122, 142, 145*, 168, 258, 269*, 368, 386, 416, 435, 449, 484*, 512*, 524, 682*, 728*, 751, 787, 799*, 819*, 822, 831, 938*, 1072*, 1080*, 1087*, 1109, 1236, 1266, 1287, 1300, 1434.

leaks: 13, 20*, 613*, 819*, 923, 946*, 1174.

mootness: 9*, 38*, 219*, 248*, 310*, 321, 358*, 407, 409, 410*, 428, 627, 745, 769, 778, 789, 847*, 924*, 998*, 1000, 1047*, 1055*, 1108*, 1197*, 1292*, 1369*, 1376*, 1451.

"mosaic": 21*, 56, 233, 536*, 615*, 1175*, 1529.

nexus test: 176, 180*, 226, 254**, 689, 1004, 1036*, 1170*, 1443.

no record within scope of request: 355, 361, 653, 753*, 771, 781, 795*, 852, 1023*, 1244, 1257, 1369*, 1489, 1490.

preliminary injunction: 600, 1341, 1359.

Privacy Act access: 6, 46*, 48, 89, 142, 222, 224, 227*, 351, 374, 406, 411, 418*, 461*, 575, 588*, 606, 728*, 779, 788, 807*, 834, 839*, 855, 908, 939, 1022, 1030*, 1111*, 1120, 1123, 1163*, 1183, 1189, 1233*, 1256*, 1264, 1433*, 1484*, 1499, 1515*, 1520*, 1526.

promise of confidentiality: 311, 710, 744, 917, 1057*, 1058, 1131, 1173, 1182.

prompt disclosure: 17, 87, 233, 906**, 1135.

proper party defendant: 24, 69*, 74, 89, 94, 193, 208, 231, 390, 516, 537, 626, 646, 650, 711, 772*, 773, 788, 903, 922, 940, 975, 984, 1008, 1018, 1049, 1061*, 1093*, 1116, 1135, 1143, 1145, 1152, 1188*, 1250*, 1272, 1273, 1277, 1295*, 1322, 1327, 1349, 1356, 1454*, 1485, 1495, 1498.

proper service of process: 429, 670.

pro se litigant: 283*, 343*, 349, 357*, 359*, 360*, 367*, 430, 621*, 679*, 702, 754, 847*, 870.

publication: 45*, 183, 379, 446, 630*, 675*, 801, 825, 952*, 958*, 1007, 1037*, 1054*, 1108*, 1193*, 1346, 1401, 1453, 1481*, 1508, 1521.

reasonably segregable: 98*, 169*, 245, 260*, 263, 327, 338*, 342*, 411, 483, 664, 708, 729*, 751, 776, 811*, 842*, 892, 932*, 942, 985*, 1035, 1151*, 1178*, 1181, 1241*, 1297, 1374, 1434, 1479, 1487, 1522*.

referral of request to another agency: 173, 349, 358*, 510*, 567, 681**, 750, 895, 934 1031, 1217, 1458.

res judicata: 257, 332, 358*, 571, 658.

similar files: 35, 126, 150*, 263, 390, 495, 682*, 683, 800*, 821, 885, 892, 911*, 922, 973, 1020, 1191*, 1241*, 1243*, 1287, 1300, 1446**, 1496*.

status of plaintiff: 415*, 648, 743.

stay pending appeal: 293*, 295*, 1093*.

summary judgment: 89, 92, 421, 464, 513*, 536*, 615*, 621*, 803*, 828, 840*, 891, 933*, 953*, 1054*, 1357*, 1432, 1461*, 1487.

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Vaughn index: 14, 48, 51*, 61, 63*, 65, 75, 97, 105, 111, 120*, 149, 157, 172, 173, 174, 175, 182*, 185, 189, 237, 255, 263, 268, 278, 294*, 295*, 384*, 390, 435, 437*, 438, 464, 466, 471, 513*, 514, 558, 584, 623, 636, 641, 643*, 712, 737, 747, 766, 776, 780, 788, 793, 799*, 802*, 810, 850, 888, 893, 899*, 929, 946, 981, 1005, 1006, 1026*, 1035, 1045, 1046, 1105, 1113*, 1115, 1125, 1158, 1169, 1176, 1217, 1218, 1226, 1239, 1262, 1291, 1293, 1304, 1320, 1344, 1347, 1354, 1367, 1386, 1408, 1414*, 1418*, 1436, 1462*, 1475, 1498, 1506.

venue: 195, 305, 317**, 332, 484*, 1090, 1279, 1368, 1412, 1452*, 1529.

waiver of exemption (general): 10, 14, 62, 80, 116*, 120*, 182*, 248*, 417, 432*, 503, 611*, 912*, 933*, 947, 1005, 1046, 1144, 1292*, 1434, 1453, 1462.

waiver of exemption (administrative release): 169*, 219*, 245, 33[illegible]*, 792, 809, 934, 945*, 996, 1061*, 1379*, 1484*.

waiver of exemption (failure to assert in litigation): 213, 219*, 295*, 313, 756*, 842*, 1162*.

waiver of exemption (unauthorized release): 809, 946*, 1174.

IV. OTHER U.S. CODE SECTIONS

5 U.S.C. §551: 1218.

5 U.S.C. §552a: 1030*.

5 U.S.C. §552a(j)(2): 48, 588*, 656.

5 U.S.C. §552a(k)(2): 656.

7 U.S.C. §12: 704.

8 U.S.C. §1202: 383, 1349.

8 U.S.C. §1202(b): 263.

8 U.S.C. §1202(f): 90, 683, 820.

12 U.S.C. §1306: 498*.

12 U.S.C. §1437: 176.

13 U.S.C. §9: 100**, 898**, 1221*, 1224**.

15 U.S.C. §41: 529.

15 U.S.C. §46(f): 408, 875*, 925, 929.

15 U.S.C. §57: 373.

15 U.S.C. §57b-2(f): 149, 162, 893, 1005, 1134.

15 U.S.C. §176: 279.

15 U.S.C. §2055: 604**, 1066*.

17 U.S.C. §1: 1462*.

17 U.S.C. §101: 1465.

18 U.S.C. §798: 1454*.

18 U.S.C. §1905: 92, 176, 180*, 198*, 199, 226, 241*, 254*, 291, 307, 363, 400*, 405, 442*, 463, 498*, 545**, 547*, 577, 607*, 608, 676, 688, 689, 697, 701*, 725*, 744, 853, 875*, 890, 910, 963*, 977, 979, 1004, 1036*, 1053*, 1058, 1095*, 1139, 1170*, 1201**, 1203*, 1229*, 1233*, 1278, 1402, 1405, 1406, 1430, 1443, 1474, 1478*, 1479, 1512*. See also Words and Phrases: nexus test.

18 U.S.C. §2510: 659, 1083.

19 U.S.C. §1677f: 1305.

21 U.S.C. §331(j): 1058.

21 U.S.C. §360j(h): 1096.

22 U.S.C. §987: 1032.

22 U.S.C. §1461: 1267.

22 U.S.C. §2671: 1445*.

26 U.S.C. §6103: 1, 40, 51*, 60*, 73, 91, 105, 106, 109, 131, 166*, 167, 204, 239*, 246, 255*, 288, 327, 334, 505, 510*, 525**, 530*, 546, 566, 570, 583, 592, 648, 680, 696, 699, 738, 740, 759, 766, 767, 776, 782*, 783, 834, 840**, 842*, 848*, 850, 879*, 885, 902, 933*, 1017, 1019, 1045, 1074, 1106, 1177, 1247, 1255*, 1287, 1295*, 1323*, 1325, 1347, 1386, 1448, 1482, 1487, 1502, 1524, 1529.

26 U.S.C. §6103(a): 708.

26 U.S.C. §6103(b)(2): 985*.

26 U.S.C. §6103(e)(6): 43, 138, 1499.

26 U.S.C. §6104: 166*.

26 U.S.C. §6110: 327, 592, 738.

26 U.S.C. §7213: 73, 91, 239*, 525*, 566, 848*, 879*, 1323*, 1325.

29 U.S.C. §534: 189, 484*, 567, 1083.

31 U.S.C. §107: 1445*.

33 U.S.C. §709: 1007.

35 U.S.C. §122: 729*, 731*, 814*, 923, 924*, 1200*.

39 U.S.C. §410: 272*.

39 U.S.C. §410(c)(2): 975.

39 U.S.C. §410(c)(6): 551*, 552.

40 U.S.C. §4103: 1526.

42 U.S.C. §275: 1196*.

42 U.S.C. §1306: 890, 1051*, 1186, 1187*, 1309*, 1443.

42 U.S.C. §1320c-15: 1097*.

42 U.S.C. §2000: 238**, 815, 977.

42 U.S.C. §2000(e): 242*, 697, 1034*, 1139, 1479.

42 U.S.C. §2000(e)-8: 363, 910, 1398, 1478*.

42 U.S.C. §2167: 1429*.

44 U.S.C. §2101: 161*, 998*.

44 U.S.C. §2107: 161*, 992*.

44 U.S.C. §2108: 161*.

44 U.S.C. §2108(c): 992*.

44 U.S.C. §3504: 254*.

44 U.S.C. §3508: 363, 442*, 910.

44 U.S.C. §3508(a): 1479.

45 U.S.C. §548: 84.

47 U.S.C. §605: 1127.

49 U.S.C. §1421: 470**.

49 U.S.C. §1461: 87.

49 U.S.C. §1472: 951.

49 U.S.C. §1504: 173, 174, 370, 459*, 798, 951, 1140**.

50 U.S.C. §402: 277*, 643*, 1219.

50 U.S.C. §403: 13, 14, 20*, 23*, 52, 95, 97, 98*, 134, 191, 235, 385, 433, 482, 495, 500, 513*, 517*, 557, 584, 616, 664, 681*, 912*, 914, 934, 1039, 1043, 1061*, 1112, 1113*, 1132*, 1169, 1183, 1217, 1243*, 1246, 1347, 1349, 1454*, 1458, 1464*, 1466*, 1506*, 1509, 1526.

50 U.S.C. §403(d)(3): 12, 50*, 93, 256*, 372, 421, 536*, 614, 615*, 641*, 673, 678, 693, 703, 708, 820, 828, 866*, 895, 900, 957*, 978, 1042, 1475.

50 U.S.C. §403g: 12, 614, 641*, 643*, 678, 683, 693*, 703, 828, 859, 866*, 895, 900, 957*, 1042.

50 U.S.C. app. §2027: 1237.

50 U.S.C. app. §2406(b): 582*.

50 U.S.C. app. §2406(c): 37*.

50 U.S.C. app. §2411: 1371.

50 U.S.C. app. §2411(c): 460*.

V. FEDERAL RULES:

Fed.R.Crim.Pro. 6(e): 80, 101*, 189, 191, 215, 530*, 569, 708, 718, 740, 750, 767, 826*, 859, 877, 888, 946*, 1042, 1043, 1064*, 1072*, 1083, 1282, 1284, 1413, 1436.

Fed.R.Civ.Pro. 26(a): 1073.

Fed.R.Civ.Pro. 34: 488, 706*, 717.

Fed.R.App.Pro. 39(a): 96*.